

Also, memorial of Providence Central Federated Union, of Providence, R. I., and the Rhode Island State Branch of the American Federation of Labor in re House bill 8828 and Senate bill 3457; to the Committee on Appropriations.

Also, memorial of American Association for Labor Legislation in re House bill 15376; to the Committee on Labor.

Also, memorial of the national committee for mental hygiene in re House bill 721; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Newport Central Labor Union, favoring investigation of dairy conditions in the United States; to the Committee on Rules.

Also, memorial of the Franklin Typothetae, of Chicago, in favor of the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of one hundredth meeting of the National Association of Cotton Manufacturers, favoring preparedness; to the Committee on Military Affairs.

Also, petition of American Women's German Aid Society, of Saylesville, R. I., in re foreign conditions; to the Committee on Foreign Affairs.

Also, memorial of Jenckes Spinning Co., of Pawtucket, R. I., in re House bills 8665 and 8677; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Memorial of Manufacturers' Association of Texas, favoring the Shields water-power bill; to the Committee on Rivers and Harbors.

By Mr. STINESS: Petition of Jenckes Spinning Co., of Pawtucket, R. I., against bills to prohibit Taylor system in Government shops; to the Committee on Labor.

By Mr. TAGUE: Memorial of Central Council of Irish County Associations of Massachusetts, relative to treatment of Irish prisoners by England; to the Committee on Foreign Affairs.

## SENATE.

MONDAY, May 22, 1916.

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

### RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment of the Committee on Commerce, page 25, line 5, after the word "including," to strike out the word "works" and insert "bank protection"; in line 6, after the words "Pine Bluff and," to insert "Little Rock and vicinity and"; and, in line 7, after the word "plant," to strike out "\$209,700" and insert "\$234,700," so as to make the clause read:

Arkansas River, Ark. and Okla.: For maintenance of improvement, including bank protection at Pine Bluff and Little Rock and vicinity and the operation of dredging plant, \$234,700.

Mr. CLARKE of Arkansas. Mr. President, a parliamentary inquiry. On last Saturday the pending item in the bill was submitted to a yeas-and-nays vote, and the vote on this particular proposition disclosed the absence of a quorum. What is the ruling of the Chair as to whether the names of the absentees shall be called or that the vote be declared void, to be taken over?

The VICE PRESIDENT. The opinion of the Chair is that the roll call developing a quorum—the taking of the yeas and nays on the amendment is the pending question; that the roll call must be preceded with a quorum developed.

Mr. CLARKE of Arkansas. De novo, overlooking the former call?

The VICE PRESIDENT. De novo.

Mr. CLARKE of Arkansas. I have no objection.

Mr. KENYON. Then the order of business is merely to proceed with the roll call.

Mr. BRANDEGEE. Did the Secretary call the roll to develop the presence of a quorum?

The VICE PRESIDENT. The Chair was not here, but the Chair understands that a quorum was developed.

Mr. BRANDEGEE. I did not understand that a quorum had been developed.

The VICE PRESIDENT. A quorum was developed.

Mr. CLARKE of Arkansas. A quorum was not developed on the vote upon the item, but it was developed upon the suggestion of the absence of a quorum. Whatever the ruling is it will be agreeable and we will conform to it.

The VICE PRESIDENT. The yeas and nays no doubt will develop a quorum this morning. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT]. I see that he is not in the Chamber, and I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. WALSH (when his name was called). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. He has not.

Mr. WALSH. I have a pair with that Senator and withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS], I vote "yea."

The roll call was concluded.

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. MYERS (after having voted in the affirmative). Has the Senator from Connecticut [Mr. McLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I transfer my pair with that Senator to the Senator from Maryland [Mr. LEE] and allow my vote to stand.

Mr. OVERMAN. I am paired with the junior Senator from Wyoming [Mr. WARREN]. I transfer my pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CHILTON. I am paired with the Senator from New Mexico [Mr. FALL], but if present he would vote as I am about to do. I vote "yea."

Mr. GALLINGER (after having voted in the affirmative). I have voted, but I have a pair with the senior Senator from New York [Mr. O'GORMAN], who is absent. I transfer that pair to the Senator from Idaho [Mr. BRADY] and allow my vote to stand.

Mr. DILLINGHAM. Owing to the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote.

Mr. WEEKS. I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. In the absence of that Senator I withhold my vote.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness, and also the unavoidable absence of the senior Senator from Indiana [Mr. KEEN].

Mr. OWEN. I wish to ask if the Senator from New Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote.

Mr. UNDERWOOD (after having voted in the affirmative). I am paired with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and allow my vote to stand.

Mr. MARTINE of New Jersey. I wish to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business.

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to my colleague [Mr. GORE] and vote "yea."

Mr. SHERMAN (after having voted in the negative). I wish to inquire if the Senator from Kansas [Mr. THOMPSON] has voted?

The VICE PRESIDENT. He has not.

Mr. SHERMAN. I have a pair with that Senator and withhold my vote.

Mr. TILLMAN. I am paired with the Senator from West Virginia [Mr. GOFF] and withhold my vote.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The yeas and nays resulted—yeas 34, nays 14, as follows:

## YEAS—34.

Bankhead	Hitchcock	Overman	Sheppard
Brandegge	Hollis	Owen	Simmons
Chilton	Hughes	Phelan	Smith, Ga.
Clapp	Jones	Pittman	Stevie
Clark, Wyo.	Lea, Tenn.	Poinexter	Underwood
Clarke Ark.	Lodge	Ransdell	Vardaman
Culberson	Martine, N. J.	Reed	Williams
Fletcher	Myers	Saulsbury	
Gallinger	Nelson	Shafroth	

## NAYS—14.

Ashurst	La Follette	Smoot	Wadsworth
Husting	Norris	Sterling	Works
Johnson, S. Dak.	Page	Sutherland	
Kenyon	Pomeroy	Taggart	

## NOT VOTING—48.

Beckham	Ju Pont	Lewis	Smith, Ariz.
Borah	Fall	Lippitt	Smith, Md.
Brady	Goff	McCumber	Smith, M. Ch.
Broussard	Gore	McLean	Smith, S. C.
Bryan	Gronna	Martin, Va.	Swanson
Burleigh	Harding	Newlands	Thomas
Cañon	Hardwick	O'Gorman	Thompson
Chamberlain	James	Oliver	Tilman
Colt	Johnson, Me.	Penrose	Townsend
Cummins	Kern	Robinson	Walsh
Curtis	Lane	Sheridan	Warren
Dillingham	Lee, Md.	Shields	Weeks

The VICE PRESIDENT. The Senator from Illinois [Mr. SHERMAN] and the Senator from South Carolina [Mr. TILMAN] are present in the Chamber, and if voting in the negative would not change the result. So the Chair declares the amendment of the committee carried. The next amendment of the committee will be stated.

Mr. CLARKE of Arkansas. We passed over the amendment embraced in lines 4, 5, 6, and 7, on page 11, to await the presence of the Senator from Delaware [Mr. SAULSBURY]. I ask that that amendment may be taken up.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The committee reports to insert, after line 3, on page 7, the following:

Maintenance and repair of the Government iron pier, Harbor of Lewes, Del., hereafter, under regulations prescribed by the Secretary of War, to be opened to public use, \$10,000.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. Mr. President, this is one of the items in the bill that I think, if we take the record into consideration, there is no justification for. I wish to call the attention of the Senate to a few of the things that I find in the report as given by the engineers and found in the committee report. Speaking of previous projects, it says:

A wooden-pile landing pier, about 1,200 feet long and 20 feet wide, terminating in 8 feet of water at the pierhead, was constructed in 1837 (act of Mar. 3, 1837), for use of vessels in communicating with the shore, so that provisions and supplies could be obtained, and also to give access to lines of travel and afford mail accommodations. This structure was guarded by a series of six ice-breaker piers on the seaward side and a like series on the inner side, placed 100 to 150 feet apart at distances of 75 feet from the landing pier. This structure cost about \$60,000, and endured about 12 years. Its failure was caused by a vessel which broke through it after the piles had been honeycombed by boring worms. For scope of previous projects, see Appendix, page 1783.

Present project: The river and harbor act of July 15, 1870, adopted a project and appropriated \$225,000 for the construction of "a good and substantial pier of stone or iron in the Delaware Bay, at or near Lewes, in Sussex County, in the State of Delaware," for the benefit of commerce that was expected to develop at this locality, but which has failed to materialize.

Operations and results prior to the fiscal year: Work was commenced April 15, 1871, and completed in 1882, except as to superstructure, at a cost of \$353,546.41, and resulted in the construction of 1,155 linear feet of pier having a width of 21 feet, and 546 linear feet having a width of 42 feet, or a total length of 1,701 feet, with a depth of water at the pierhead of about 21 feet at mean low water. At the date of completion of the substructure, the superstructure of the inner section, which had been completed in accordance with the original plan, required complete rebuilding on account of decay. Between 1882 and June 30, 1890, the work was directed toward maintenance and practically carried to completion the superstructure of the pier. The amount expended for maintenance of the pier since completion is \$34,292.99, making a total of \$387,839.40 expended on the work up to the close of the previous fiscal year. The Junction & Breakwater Railroad, since absorbed by the Pennsylvania Railroad Co., was authorized by the act of July 15, 1870, to extend their railway upon and over the said pier, but this right has never been, and doubtless never will be, exercised, as the pier is not sufficiently strong to support the weight of a modern locomotive. The sundry civil act of March 3, 1891, authorized the Marine Hospital Service to occupy a portion of the pier.

The engineers proceed to tell us what the effect of the improvement has been. They say:

Effect of improvement: The pier has never been used to any extent for the interchange of commerce. It has been used occasionally as a landing place for vessels reporting at Lewes. The United States Lighthouse Establishment uses the pier as a place for the storage of buoys, the United States Life-Saving Service has a boathouse at a point about midway of the pier, and the United States Quarantine Service uses it occasionally for landing passengers. The pier was also used to some

extent by the Engineer Department during the construction of the harbor of refuge in Delaware Bay from 1897 to 1901, but has not been used by this department to any extent since that time.

Mr. President, there was no appropriation made for this improvement for the years 1913, 1914, and 1915. When lump-sum appropriations were made in the last two river and harbor bills, and the division of that money was left in the hands of the Army engineers, not one cent was appropriated for this pier; in other words, for the last five fiscal years there has been nothing appropriated for this pier. The last appropriation made for its improvement was on February 27, 1911, and there was a thousand dollars appropriated at that time to make some repairs upon the pier.

There are no commercial statistics given by the engineers, and I suppose there is no commerce affected by it. I judge so from the report made by the engineers themselves.

Therefore, Mr. President, it seems to me that this proposed appropriation would be an absolute waste of money. While the Government of the United States has already spent upon this pier \$387,839.40, I believe the first loss is the best loss, and that we might just as well take that loss now and put no more money into this pier, which does not in any way benefit commerce, so far as I can see from any report which I have examined.

Mr. President, it is just such items as this, it seems to me, that ought to be stricken from the bill. This whole question was considered by the other House, and the House did not appropriate a dollar for this pier. It was considered by the committee in the House and they refused to insert an appropriation for it. When we consider the other items in this bill that were inserted by the House committee, items that ought never to be in a river and harbor appropriation bill, it seems to me that it is absolutely inexcusable to have this item included in the bill and the amount appropriated.

Mr. President, I expect the Senator from Delaware [Mr. SAULSBURY] to give his reasons why this item should be in the bill, but as soon as those reasons are given I hope that the Senate will vote to disagree to the amendment reported by the committee of the Senate.

Mr. SAULSBURY. Mr. President, the statement of the Senator from Utah [Mr. SMOOT] shows how true is the saying that a little knowledge is a dangerous thing. The distinguished Senator from Utah has taken a bit from the report of the committee, which shows quite a different state of facts, as he interprets that report, from the facts which anyone familiar with the ground and anyone familiar with the reports in the Engineer's Office of the War Department, from which I have to-day come, would consider the real condition.

I do not want this Congress to appropriate a single dollar for any purpose in the State which I in part represent unless such appropriation addresses itself to the good judgment of the Members of this body. The Senate, I think, will hear a considerable amount more about the harbor at Lewes, Del., before this session terminates than it has heretofore, and I shall hope to make Congress somewhat familiar with the conditions.

The harbor of Lewes, Del., is a fine harbor, 120 miles from New York, 114 miles from the Capes of the Chesapeake, 101 miles from the city of Philadelphia, a little over 100 miles from this city—possibly it may be as far as 150 miles. That harbor is absolutely without any defenses, though it is known by the War Department, from official reports in its possession, to be the most vulnerable portion of our Atlantic seaboard. The War College have recommended, in a letter to the Military Committee of this body, the fortification of that harbor, and for a long period of time this Government has made improvements in that harbor, chiefly as a harbor of refuge for vessels engaged in the Atlantic seaboard trade, this being the only harbor between New York and the Capes of the Chesapeake which can be so used. The Government has spent at that point, in making that harbor of refuge, over two and one-quarter million dollars, as is shown by the schedule of expenditures at page 11 of the schedule which the committee submits.

This iron pier, which is in this harbor of refuge and which was built for the purpose of being used in the interchange of commerce at that point between boats and the shore, was built at an original expense of about \$360,000, as I remember it, and the cost of maintenance brings the whole amount up to \$387,839.

From the report from which the Senator from Utah read it would seem that there is no commerce in the port of Lewes. As a matter of fact there are several piers there, which have been erected by private parties and by subscription, where boats do land. There had been a large trade at Lewes, to my personal knowledge, until the small railroad referred to in this report as the Junction & Breakwater Road was purchased by the Penn-



sylvania Railroad Co. and added to its system. Then, after having purchased the railroad from the Old Dominion Steamship Co., the boats to New York, which ran daily, were discontinued, and the trade and traffic of that whole southern peninsula was diverted over the rails to Philadelphia and to New York rather than making the short trip by water from this point.

There have been from time to time lines of steamships plying to this port from Philadelphia, as well as from New York, but the superstructure of this pier has been allowed to fall into decay, simply because the people there could not use it, or they believed that they could not use it. So far as the development of commerce over that pier is concerned, the statement made in this report which the Senator from Utah read would remind me of a man who built a house and then walled up all the doors and windows with masonry, and when the roof had rotted off said it was not worth while to renew the roof because the house had never been used. That is practically the condition into which that pier has fallen at Lewes. When it was completed in the eighties and the request was made to use it for railroad purposes, for the interchange of traffic, it was found that the superstructure was too light to sustain the weight of a locomotive, and it is to-day too light to sustain the weight of a locomotive; but that does not mean that that pier can not be used for the interchange of ordinary traffic through light shifting engines or something of that kind.

Here is \$380,000 worth of Government property which could be used by people who want to use it. They never have had the right to use it, as they supposed, and I can not find that any regulations have ever been promulgated for the use of that pier. The pier has just been allowed to go to pieces, so far as the superstructure is concerned, and that superstructure has now rotted.

Mr. KENYON and Mr. GALLINGER addressed the Chair.

Mr. SAULSBURY. I yield to the Senator from Iowa, who first rose, I think.

Mr. KENYON. I will yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, the inquiry I wish to make is this: Is it contemplated by this appropriation to strengthen the pier so that a modern locomotive could pass over it?

Mr. SAULSBURY. I do not think the \$10,000 will place the pier in that condition. I think the \$10,000 will renew the superstructure so that it can be used for ordinary traffic purposes, but not for trains.

Mr. KENYON. Mr. President—

Mr. SAULSBURY. I yield to the Senator from Iowa.

Mr. KENYON. I should like to inquire of the Senator why the pier has never been used? I have not heard any explanation of that.

Mr. SAULSBURY. The reason the pier has never been used, as I am informed, is that the people there have never thought they had the right to use it.

Mr. KENYON. Why have they thought that they did not have the right to use it?

Mr. SAULSBURY. Because, for example, here is a statement which I see in the report of the committee to the effect that an amendment was placed on the sundry civil bill authorizing the Marine Hospital Service to use the pier. I do not know whether they would have been permitted to use it or not; but this morning I stopped at the War Department and in talking with Col. Taylor in regard to it he said that they could have used it if they had asked permission to use it. Now they are asking permission to use it. I do not know how many times they have asked it heretofore, or whether they have ever done so, but evidently the pier has not for years been in a condition to be used.

Mr. KENYON. We have spent \$387,000 on the pier, and that did not put it in condition for use.

Mr. NELSON. Mr. President, will the Senator from Delaware allow me?

Mr. SAULSBURY. Certainly.

Mr. NELSON. I want to suggest to the Senator this fact—and I think it ought to be decisive of the case—that the Government has spent over \$350,000 in the construction of this pier, and it is now a question of whether the pier should be preserved or go to decay and destruction. I read from the report of the Chief of Engineers as follows:

It will require the expenditure of about \$10,000 to place the pier in a reasonable state of repair.

We have invested a large sum of money in that pier, and it would be a shame if, for the lack of \$10,000, we allowed it to go to decay and destruction. The previous expenditure would be an absolute waste. Waiving all other considerations, I think this is perfectly decisive of the case.

Mr. SAULSBURY. I thank the Senator. I was going to call attention to that recommendation.

Mr. SMOOT. Let me read the complete sentence from the report to which the Senator from Minnesota has just called the attention of the Senate. The engineers say:

It will require the expenditure of about \$10,000 to place the pier in a reasonable state of repair, but for the reason that the pier is used so little no work of maintenance is proposed at this time.

That is the complete recommendation of the Army engineers.

Mr. SAULSBURY. Mr. President, I will call the attention of the Senator in a moment to what is the very latest recommendation of the Army engineers with regard to this pier. I was trying to get along toward that. I have read the reports of the Army engineers in regard to this pier and also the correspondence which I have had with a former Chief of Engineers. They seemed to be without information or, at least, unable to arrive at any recommendation regarding this pier.

I propose, Mr. President, to ask the Senate to increase this amount from \$10,000 to \$78,000, in accordance with the recommendation which is now just being printed and which I have seen this morning at the War Department. The Chief of Engineers, Gen. Black, who is probably well known to all of us, makes that recommendation in connection with various uses that the Government can make of the pier; and I should like, if the Senate can place such an amendment to this bill, to have that done for the purpose of referring this amendment to the conference committee when it is appointed, and let them determine this whole matter as to whether they would follow the recommendation of the War Department, which will be available to every Member of the Senate in the course of a day or two. I have merely seen the proof sheets of this recommendation.

I want to say, Mr. President, that, in my judgment, it is very important that that particular portion of our seaboard shall be carefully looked after, if we are going to have any real preparedness and any real defense along sensible and coherent lines of our eastern seaboard. That particular point, as I have said, is declared in official reports to the War Department to be the most vulnerable point on the Atlantic seaboard, and the report now in hand and approved by the Chief of Engineers declares that this pier should be placed in a condition of good repair, at an expenditure of \$78,000, for the uses of the War Department. I have just read that report, and I have made a memorandum of it, and I may have in the course of a half hour or so a copy of that report, which is only in the proof sheets, as I have said.

The other day, when I had a few words to say on this subject in reply to the Senator from Iowa, the official report made me say that I knew my way to the Willard Hotel. I do not know that that will be particularly charming to some of my prohibition friends in my State; but what I said was that I personally knew this location as well as I know my way from this Capitol up Pennsylvania Avenue to the Willard Hotel.

The idea that there is no commerce in that harbor is entirely wrong. There are two piers within a few hundred feet of this Government pier used by commercial houses and fish-fertilizer factories, and there are other piers which also exist there.

Mr. CLARKE of Arkansas. Mr. President, will the Senator from Delaware permit me to say that the representation made to the Committee on Commerce which was most influential in causing that committee to include this item in the bill was that a certain canal was about completed to divert commerce to the point at which this pier is located. It was originally built to accommodate certain railroad terminals in connection with shipping which assembled at that point, but the railroad company thought proper to move their terminals to another point, which, in a way, caused this pier to fall into disuse. If it were not for the showing made that commerce would seek that point by reason of the completion of the canal, with the name of which the Senator from Delaware is perfectly familiar, the committee would not have given the item the attention they did. They believe it meritorious and think the amendment ought to be made.

Mr. SAULSBURY. Precisely; and at that time, Mr. President, I may say that I did not know that this recommendation would be coming in from the War Department. I knew that it ought to come in; I knew that this vast amount of Government property at that point would be useless for commerce; I knew that the pier would be of very great advantage, but I could not find any justification myself for asking for an appropriation of that kind unless it had been considered. Now, I hope, Mr. President—

Mr. SMOOT. Mr. President, will the Senator allow me to interrupt him?

Mr. SAULSBURY. Yes.



Mr. SMOOT. Can the Senator state what has happened between the time of the report of the Army engineers in 1915 and the report to which the Senator now refers as having been made by the Army engineers upon the same project? Has anything happened to change the opinion of the engineers?

Mr. SAULSBURY. Mr. President, I can not answer that fully. I can guess as to some matters which have happened to change the condition. It was a surprise to me to find this report ready to be presented, and a copy of the rough proof has been given to the House committee, and I have been hoping that that would be delivered at my desk so that I could inform the Senate more fully. But this is one thing that has happened:

A bill has been introduced and has been referred to the Military Affairs Committee of this body, authorizing an appropriation for the purpose of defending this harbor, and if this harbor is defended this pier will be of very great use to the War Department. The War Department has recommended that this harbor be defended. The matter is now in the hands of the Military Affairs Committee of this body, which increased the amount asked for the defense of the harbor, a bill concerning which I introduced, and asked for \$480,000. The War Department recommend that \$700,000 be appropriated, and they say they have the guns which they could put at this point, and they hope the harbor will be defended.

That is one of the things that has happened. It is merely a fuller understanding that has come to the War Department regarding this particular locality, more than the trifling questions of who has used this particular pier and how much it has been used. I do not think I would be justified in asking the Senate to do this as a positive and conclusive matter at this stage, but I suggest to the chairman of the Commerce Committee and to the Senate that I would very much like the Senate to change this amendment to read \$78,000 instead of \$10,000, and let the conferees have the benefit of all the information that can come to them from the War Department in regard to this matter, stating that I am entirely satisfied with any result that they may reach.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Delaware yield to the Senator from Colorado?

Mr. SAULSBURY. Gladly.

Mr. THOMAS. I should like to inquire of the Senator, who has referred to that project as one which the War Department is considering in connection with the subject of preparedness, what the high-water and low-water depth of the harbor is?

Mr. SAULSBURY. The harbor would hold a fleet of warships. I suppose the depth of water in the harbor runs possibly as high as 100 feet. I do not undertake to state accurately.

Mr. THOMAS. Is that true with regard to the end of the pier?

Mr. SAULSBURY. I think the reports show that the water at the pier has a depth of 21 feet.

Mr. President, under such conditions as these, I sincerely hope the Senate will agree to increase the amount of the amendment. My original amendment was for \$75,000, which I put in my proposal because of letters which I had from the former Chief of Engineers, Gen. Kingman. That, on the basis of the report made to the Board of Engineers, was reduced to \$10,000, which, in view of the report, was reasonable. But, from the information that I give the Senate to-day, it seems to me that the request I make is reasonable, to increase the amount to \$78,000.

As I say, I merely wish the matter to be properly considered by the committees of the two Houses when they meet in conference on this bill; and if there is not a dollar appropriated for this project after they have duly considered it, I shall not be dissatisfied. I do not want a single dollar appropriated for anything which is going to be wasted.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from South Dakota?

Mr. SAULSBURY. I yield.

Mr. STERLING. Do I understand the Senator from Delaware to say that the report in form of preparation by the War Department has reference to this particular pier?

Mr. SAULSBURY. Yes.

Mr. STERLING. I confess that in view of the report of the committee, which I understand is based upon the report of the Board of Army Engineers, I was not very favorably impressed with this appropriation, because the report is to the effect that "it will require the expenditure of about \$10,000 to place the pier in a reasonable state of repair, but for the reason that the pier is used so little no work of maintenance is proposed at this time." Yet, in view of what the Senator from Delaware

says in regard to the recommendation to be made by the War Department, I for one should like to consider that recommendation. I thought it might be proper to suggest to the chairman of the committee that this proposed amendment be passed over for the time, until that recommendation can be laid before the Senate, as I understand the Senator from Delaware to say that it will be here before long.

Mr. CLARKE of Arkansas. Mr. President, it is not at all necessary that the amount carried by the item shall be increased to \$78,000 in order to give the conference committee jurisdiction of it. The adoption of the amendment in the present form would carry the matter before the conference committee, and that conference committee can either increase or diminish the amount or leave it out, just accordingly as the showing then made will justify its action. It is not at all necessary that it shall be increased at this time in order that the conference committee may have jurisdiction of the matter.

Mr. GALLINGER. Mr. President, inasmuch as there is no appropriation for this purpose in the bill as it comes to us, and we have placed \$10,000 in the bill, does the Senator think that the conference committee could increase that amount?

Mr. CLARKE of Arkansas. If the House should insist upon the Senate amendment with an increase of it, I think we would have that right; yes. We probably would not have the right to originate an increase of the amount.

Mr. GALLINGER. I have had a contrary opinion, but perhaps I am wrong.

Mr. CLARKE of Arkansas. The Senator has an idea that the House could not insist upon the increase?

Mr. GALLINGER. My notion has been that the only thing the House could do would be to consider the difference between the amount of the House and the amount of the Senate.

Mr. CLARKE of Arkansas. It is not a House item. It is a new item added in the Senate. It has never been before the House. It is not in the House bill.

Mr. GALLINGER. I have not thought it could be increased, but I may be wrong.

Mr. SAULSBURY. That was my idea.

Mr. GALLINGER. I was about to suggest to the Senator from Delaware precisely what the Senator from South Dakota has suggested—that I apprehend, from appearances, that we are not going to pass this bill to-day, and why not let this item be passed over, with a view to receiving the report to which the Senator calls attention?

Mr. SAULSBURY. That would be most agreeable to me.

Mr. CLARKE of Arkansas. Oh, yes; that is all right.

Mr. SAULSBURY. I shall be very glad to have that done, and I expect that report to be on my desk at any moment.

Mr. CLARKE of Arkansas. Very well.

The PRESIDING OFFICER. Without objection, the item will be passed over.

The next amendment was, on page 25, line 8, after the word "maintenance," to strike out "\$30,500" and insert "and for preventing cut-off at De Valls Bluff, in accordance with House Document No. 1259, Sixty-second Congress, third session, \$30,700. In addition thereto the sum of \$8,000, appropriated by the river and harbor act approved March 4, 1914, is made available unconditionally," so as to make the clause read:

White River, Ark.: For maintenance, and for preventing cut-off at De Valls Bluff, in accordance with House Document No. 1259, Sixty-second Congress, third session, \$30,700. In addition thereto the sum of \$8,000, appropriated by the river and harbor act approved March 4, 1914, is made available unconditionally.

The amendment was agreed to.

The next amendment was, on page 25, line 15, to strike out "Cache River, Ark.: For maintenance, \$3,000," and insert:

Cache River, in Arkansas: That the Cache River in the State of Arkansas be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. This provision shall become void after one year from the date of the approval of this act unless within said period the Legislature of Arkansas shall pass an act expressly approving this declaration. The right of the Congress to alter, amend, or repeal this paragraph is hereby expressly reserved.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. NORRIS. Mr. President, this amendment seems to be a departure. I should like to have the chairman of the committee, or some other member of the committee, explain why line 15 is stricken out and the amendment proposed inserted?

Mr. CLARKE of Arkansas. Mr. President, the principal reason for it is that the Cache River is not much of a river. On page 286 of the report, it says:

The river is not navigable at low water, the controlling channel depths over the shoals being from 6 to 8 inches. The total expenditure for maintenance under the present project to June 30, 1915, is \$27,419.58.



This is a river wholly within the State of Arkansas, if it can be called a river at all. It is a very shallow and tortuous stream, probably 150 miles in length. It runs from northeast to southwest. The levees on the White River, into which it empties, coming in the direction I indicate, have been put up to an extent that keeps out of the river a certain amount of water that formerly went into it. It never was a navigable stream in the sense that it was regularly navigated by any craft. For a time there was considerable timber found upon its banks. The land has now become valuable for farming. As long as it is nominally or technically navigable, the bridges constructed across it must be swing bridges, or such bridges as can be opened to permit boats to pass through. Those bridges cost a vast amount of money. They are wholly useless there. The citizenship in that locality are unanimously in favor of doing away with the technical navigability of the river, when it is not navigable, as a matter of fact.

This amendment, however, does not assume to dispose of that matter finally. It gives the consent of the National Government to the declaration of nonnavigability, provided the Arkansas Legislature at its next session ratifies that consent. It did that for the purpose of giving the persons interested in the matter generally an opportunity to apply to a local tribunal for the purpose of having their protests, if there be any, heard and disposed of. We went further than that, and included a provision that "the right of the Congress to alter, amend, or repeal this paragraph is hereby expressly reserved," so that if at any time it might become important that the legal navigability of the river should be restored, the right to do so should be reserved.

Mr. NORRIS. Mr. President, I am not, of course, opposed to the amendment. I do not understand why the limitation should be put on; but, at least, the amendment, it seems to me, ought to appeal to those who are opposing—as, to a limited extent, I have—some of the provisions of this and other river and harbor bills. But I wanted to call attention to it, because it seems to me that it illustrates a practice that has been pursued by Congress in the past, and is still pursued in this bill, of using Federal funds for the purpose of improving rivers that, as a matter of fact, are not navigable and for practical purposes can not be made navigable; and that, in the end, does not bring any good returns to the localities in which the streams are located.

Here is a stream for which Congress has in the past appropriated a great deal of money, comparatively speaking. I notice from the report that back as far as 1894 provision was made in the river and harbor bill for the improvement of this river. I judge from what the chairman of the committee says, together with what I learn from the report, that the country through which the river ran was not then settled. It was perhaps a timbered country, and they were getting saw logs out of the country and settling it up. Now, as the chairman says, the country has been settled up; and since Congress has been improving the river for navigation, it follows that when the settlers in the community want to build a bridge across this river they have to come to Congress to get consent. So they prefer, I presume, to have Congress declare that this river is nonnavigable—something that, I presume, is apparent to anybody who will look at it—and thus enable them to build bridges, when the country settles up, for the purpose of travel and of commerce.

I believe there are a good many other streams where Congress has been doing the same kind of work, where money is appropriated and streams developed when there is nothing there but forest, and we spend a great deal of the Federal funds for the purpose of improving streams on which the commerce is continually declining.

Here is a stream that from the report of the committee itself we find is not in fact navigable, although we have been appropriating money to improve it ever since 1894, the controlling depths over the shoals at low water being from 6 to 8 inches. So that since 1894 we have been digging and snagging and spending money in this stream, and after all these years we have from 6 to 8 inches of water in it.

Mr. KENYON. Mr. President—

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. I will inquire of the Senator if he knows the depth of the stream before we commenced doing all this work—whether the work has deepened it or not?

Mr. NORRIS. I am not informed as to that, but it would be interesting to know whether there was at low water more than 6 or 8 inches of water in 1894.

The total expenditure for maintenance under the present project to June 30, 1915, is \$27,419.58. To-day we had the case of a pier that was not much used, and the argument was made that we had spent such a vast amount of money there that now we certainly could not quit. Here would be another

instance, if the committee were inclined to take that view of it; and I presume they would if it were not for the fact that the people living along the stream, the farmers, who want to build some bridges across this little creek, are opposed to having it developed any further on a scheme of navigation. So they say: "If we want to put a couple of logs across this stream of water and put down some planks, so that we can drive across it, we do not want to go to Congress to get that permission, as we will have to do as long as it is in theory a navigable stream of water."

I presume, although there is nothing here to show it, that the bed of the creek is quicksand, or something of that kind, because if it were not something like that they would not need a bridge. They could drive across it; and, in fact, if the bottom were solid, it would be a good place, unless the water goes down lower than the report shows, to wet up the horses' hoofs and to swell the fellics on the wagon wheels so that the tires would not come off. So I take it, since they want to bridge this stream and only have 6 inches of water to begin with, that it is a dangerous stream to ford. With all this improvement that Congress has made during all these years, it seems to me that the engineers, if they had had their eyes open to their duty and had done it properly, might have built fords at various places with this money and put in stone and gravel, so that the farmers of the community could have forded the stream, rather than to go to the expense, since lumber is so high, of building bridges.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. VARDAMAN. I ask the Senator from Nebraska is he opposed to this amendment?

Mr. NORRIS. I said I was not. I am trying to offer words of praise to the committee for the recommendation they have made to abandon this stream.

Mr. VARDAMAN. It seems that I was not present when the Senator expressed his approval of the action of the committee. Judging from what the Senator has said since I entered the Chamber, it is a question of the committee, in the Senator's estimation, of being "damned if you do and damned if you don't." The committee is trying to stop an outlay of money, which the Senator condemns. It is receiving at his hands no very kindly censure for what, it seems, he approves.

Mr. NORRIS. The Senator does not exercise his usual shrewd perception, or he would discover from the very able argument that I am making that I have been condemning what has been going on in the past and finding fault, perhaps, because the same favorable recommendation in regard to this stream is not made in reference to some other streams that are in the bill.

Mr. VARDAMAN. The Senator does not hope to accomplish any special good by dwelling upon what has happened and the mistakes Congress has made in the past, for which this Congress is in no way responsible?

Mr. NORRIS. Yes; the Senator hopes to be able to do that, and I presume after I have finished my argument all these other bad creeks and mud holes in this bill will immediately by unanimous consent be stricken out of the bill, because I will illustrate what happened in these streams when we, for 10, 15, or 20 years, continued to appropriate money, and they are condemned in the end by the local community, who, I presume, originally were anxious to have Federal money expended in their immediate vicinity.

Mr. VARDAMAN. I do not think it sounds very well for the Senator to impute to Representatives in Congress the motives which he has imputed to the men who constructed this bill. I trust the Senator does not maintain that he has a corner on all the political morality and all the wisdom that is possessed by this body. The Senators and Representatives who have constructed this bill are charged with the same duties to the public, inspired, I apprehend, I am willing to concede to them, by the same patriotic motives that inspire the Senator from Nebraska in the performance of his duty, and I do not think it is in good form that the Senator should impute to his colleagues motives of that character.

Mr. NORRIS. Mr. President, I have not been aware that I have imputed any dishonorable motives to the committee or to my colleagues. If it be true that in this bill or any other a committee, after it has made a favorable report—

Mr. CLARKE of Arkansas. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment I will yield to the Senator. If it be true that in that case, when anyone opposes what has been done in the past and uses a very apt illustration before the Senate to show that the same procedure ought to be extended to other cases, he is guilty of discourtesy, then it must follow that when a bill is reported here by a committee it be-



comes the duty of every Member of the Senate to stand by it or else he might be liable to the charge that he is impugning somebody's motives. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. I fear that I shall not be able to interest the Senator as I thought I might a moment ago. I wanted to exonerate him from any charge of making an unfair reflection upon the committee. I am sure he did not do it. I think he is just exercising his privilege, as he has a right to do, just as any orator from the Platte might do. That river is said to be 900 miles long, 200 feet wide, and 6 inches deep. Generally orators coming from that section assimilate their remarks somewhat to the aqueous example which confronts them.

Mr. VARDAMAN. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. VARDAMAN. If the Senator's remarks go to prove that these appropriations were made for improvements in the rivers in order that the money might be expended in the communities in which the rivers happened to be located, it is, I submit, an implied charge of infidelity to duty, and I can scarcely conceive that a man who has any right to occupy a place on this floor would vote for any such measure or prostitute the functions of his place for such a purpose.

Mr. NORRIS. I agree with the Senator. I can not conceive that anyone would do that. I have not said that anyone would.

Mr. President, I presume there is not a stream or a harbor in this bill where provision is made for the expenditure of public money in its improvement but that has almost the unanimous support of the local community, and they are anxious to have streams in their community improved. They are anxious to have public money expended in their vicinity. I am not saying that that is a dishonorable feeling to have; I am not going to be kept from voting for a provision or for a bill because any Senator, even though I respect him as highly as I do the Senator from Mississippi, tries to say that because I am opposed to a practice that has gone on in the past, and I am illustrating it by actual facts that the committee admits to be true. I am not going to be bound, even though I incur the censure of all the friends I have here or elsewhere. I take it I am within my province when I direct the attention of the Senate to the fact that here is a stream that we have been appropriating money for since 1894 that now is abandoned by the committee. I commend them for abandoning it, but I call attention to the fact that the same thing that has been done during all these years with regard to this stream is being done now with regard to other streams that are contained in this bill.

Mr. VARDAMAN. Mr. President—

Mr. NORRIS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I am sure I would not in any way proscribe or circumscribe the Senator's conduct in this Chamber. I am sure the Senator is going to vote for the things that his judgment and his conscience approve, and I would not have the great admiration for him that I now have if I did not believe he was going to oppose the things that he believes to be wrong and favor the things he believes to be right. It is proper for him to do that and I honor him for it; but he can do that, he can exercise untrammelled his judgment, without imputing improper motives to others.

So far as the communities or the localities taking great interest in the development of their waterways, that is perfectly natural. I do not know what the people of California or Oregon need in their waterways. I have not had the pleasure of visiting that favored part of our country and, of course, neither I nor my constituents have an intelligent personal interest in it. It is that spirit of altruistic selfishness which moves all patriotic men in the performance of a duty like that, and it is perfectly proper. If they did not present their enterprises to the Congress and give the Congress information regarding them of course nobody else would. I commend them for doing that. It is prudent; it is proper that they should. But because it is to their interest, because they may reap some pecuniary advantage from it, I am not going to say that the motives behind it or that move them are not proper or that they are for the purpose of plundering the Treasury.

Mr. NORRIS. Neither am I, Mr. President. I am not only not going to do that but I have not done it as a fact in the past. I believe in the brief time I have been a Member of this body I have been as free from impugning motives as anyone; and never before to my knowledge has anybody intimated that I was impugning a motive to somebody else that was not proper.

But because those people favor the development of streams that in my judgment ought not to be developed, because they favor the improvement of streams that I believe are nothing more than ordinary creeks, some of them hardly entitled to that designation, I know no reason why I should favor them because

some one else who lives in the community does favor them. If that is the duty of a Member of Congress, then we might just as well abandon Congress and let the local communities send in a statement as to how much they want for every stream and every harbor, and put it in the bill. I am not finding fault with the man who defends it; I am not questioning his honesty, and he is entitled to the same privilege to defend them and to show that they are good as I am to show that they are bad, but if I believe they are bad I am going to say so.

Now, Mr. President, on this improvement the report says, referring to the expenditure of \$27,419.58 during the past year on this stream:

This improvement has no effect on freight rates. The benefit is confined to that of giving outlet for its timber to an isolated, limited territory. \* \* \* Practically all commerce is confined to forest products, less than 1 per cent originating agriculturally or otherwise, and 82 per cent consisting of rafted saw logs.

Mr. President, if this stream or any other stream must be developed by Federal funds under the clause of the Constitution that provides for navigation, in order to let local parties float saw logs down the stream, then this appropriation is justifiable; otherwise it is not. I take it the committee feel that they were not justifiable in expending public funds for that purpose, and they have abandoned it in this particular case.

Mr. LANE. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. LANE. I think it is just as important to the community, if their main product is saw logs, to get them to market as any other community has to get its products to market.

Mr. NORRIS. What product?

Mr. LANE. Saw logs. It is just as important to the community that they should get that main product and that resource, if it is lumber and saw logs, to market as it is to another community to get potatoes, cotton, wheat, or anything else to market.

Mr. NORRIS. Yes.

Mr. LANE. Of course it is.

Mr. NORRIS. But does the Senator believe it is necessary to develop our rivers and streams in order to float saw logs down the streams?

Mr. LANE. It is just as important as it would be to transport wheat, corn, cattle, potatoes, or anything else, if that is the main product of that section of the country.

Mr. NORRIS. If the Senator thinks that way—that they are justifiable, as I said awhile ago, in developing streams, digging out the channel in order that people living along the banks may float saw logs down those streams—

Mr. LANE. Yes; if that is the only way you can get the saw logs to market and the country is heavily timbered, as it is out on the Pacific coast. That is their principal asset, and it is our duty to help them just as much as it is your duty to open a river for any other purpose of navigation.

Mr. NORRIS. Now, the Senator feeling that way, he is perfectly justified, if he believes that we ought to develop these streams for the purpose, in voting for an appropriation of this kind. I do not believe it myself.

Mr. LANE. I do not see wherein the distinction is made or why you should make a classification which eliminates important products from getting an outlet. It should apply to anything that is useful. People use lumber. They have to build houses. They can not eat it, to be sure; neither can they eat cotton and a hundred other things that go to market. You can not justly make such a distinction.

Mr. KENYON. Mr. President—

Mr. NORRIS. Just a moment, and then I will yield to the Senator from Iowa. In my judgment, we have no right to expend—perhaps I ought to modify that; we have a right, but we are not justified in expending public funds for the purpose of digging channels in order that people may float saw logs down the channel; neither are we justified in digging channels to float corn or oats or people down. It is a matter of commerce that we ought to develop. There should be a stream developed where commerce will go up the stream and down the stream, something that will carry produce. In other words, we are confining it in this case to one product. If we had a stream that we could develop by improvement so that boats could go up and down and carry the commerce of the country up and down, saw logs could float down. There is no objection to saw logs going down, but to develop a stream that has no other commerce than saw logs going down is a waste of public funds. In the first place, it does not help to take the saw logs down. In 99 times out of 100 they will go down just as well without it and lots of times better than where they build a dam across that would interfere with the saw logs going down. I yield to the Senator from Iowa.



Mr. KENYON. I was going to ask a question. The floating of logs on streams does not require, as I understand it, the same amount of water and the same amount of work to formulate and develop the channel that are required for boats to carry general merchandise and freight. The logs float along without much water, do they not?

Mr. LANE. Certainly, but I understood the appropriation was made to improve the stream to the extent that it would permit the transportation of logs. I will say that in certain portions of the country 85 per cent of the produce is lumber or logs, and that it is just as important to get those to market that the people may have cheap lumber at the other end of the line as it is to get any other article of commerce such as steel, iron, lime, and a hundred other articles. It is just as important, and more important, to that community. Also it requires less money in expenditure, as the Senator from Iowa has suggested. It does not require the development of the channel and it is not necessary to have a deep channel so that a steamboat can go back up, for the products of that country do not go up the stream but mostly go down it. In going into the interior you reach the mountainous country, where a steamboat can not navigate the stream. It takes years and years, after the logs have been cut off and the stumps have been cleared out, before you can cultivate the land to any extent. You can not develop the country at all unless you get their product out, which is logs. If it is necessary to straighten the channel or dredge it or to pull out obstructions, the Government ought to do that work as cheerfully for that section as it will do the same work for another section of the country on other streams for other products. The Government can not better expend its money and do its duty by the people any more equitably than to do that with regard to all people, provided it does it economically and within the limit to which the commerce is entitled. If it expends enough money to float products, such as logs, out of a section of the country without spending more than is necessary, that item will, in my opinion, be absolutely all right. It is just as necessary to the people on the Pacific coast as it is to the people on the lower Mississippi or the Ohio or upon any other stream for other commerce.

Mr. NORRIS. If the Senator feels that way about it, he will certainly oppose the amendment of the committee, because the committee propose to stop in this particular case. The farmers want to build some bridges across the stream and they are opposed to this development because they do not want to come to Congress to get permission to build a bridge, so that we will have to say to the farmers of the locality, "There is a fellow farther upstream who has a few saw logs he wants to float down here, and you can not build a bridge, or when you do build a bridge you will have to get the consent of the War Department, and you will have to build the bridge high enough so that the saw logs can float under the bridge." I presume a good-sized saw log could not get through if bridges should be constructed on streams like this.

Mr. LANE. Mr. President, it is quite evident that the Senator from Nebraska does not know much about saw logs and has not had much experience with bridges. It would be a foolish undertaking for anyone to build a bridge so low that a saw log could not float under it. The largest saw log that floats is 8 or 10 feet through in our section of the country; it will float half under water, and therefore the bridge would only have to be 4 feet high. If you build a bridge with 6 or 8 feet clear way the logs can get through. So that argument will not stand.

Mr. NORRIS. But, Mr. President, the Senator could not float one of his saw logs down this stream with 6 inches of water. A saw log 6 feet through would not be able to get any distance. It would tear the bridges out from one end to the other of the stream.

Mr. LANE. No; it would not float in that depth of water.

Mr. NORRIS. In fact, when he went to the Secretary of War to get permission to place across the stream a couple of logs on which to lay some planks the Secretary of War would refer him to the Corps of Engineers, and they would refer the matter to the district engineer, and the district engineer would refer it to some one else, who would go out and make a survey, and who might find, perhaps, that at that place it was not desirable to have a bridge. So the farmers of the community who wanted to get to town to sell their wheat or corn or to ship it out of the country would not be able to get the bridge, and they could not cross the stream because the bed of the stream might be too soft or muddy.

Mr. LANE. But I understand the Board of Engineers have nothing to do with bridges on nonnavigable streams.

Mr. NORRIS. But we are providing only for navigable streams in this bill. If the Senator will read the amendment, it shows on its face that at the present time this is a navigable stream; and any citizen of the United States who would want to build a bridge across it would have to come to Washington and get the permission of the Secretary of War to do so. Not only that, but he would, perhaps, have to secure the passage of an act of Congress before he could build a bridge across the stream. This is a navigable stream; but we are going to make it unnavigable by the adoption of this amendment. That seems like a queer proposition, but it is true. The stream is navigable now; but as soon as this bill becomes a law it will then be nonnavigable, because we will have said so in black and white. That ought to satisfy anybody. That is what this amendment is and nothing else. It is a declaration that this stream is not navigable, and everybody will have to take notice of that fact after we have passed the law.

The only objection I have to the amendment is that it provides that the Legislature of Arkansas must take a hand in it. This is the proviso which is added:

This provision shall become void after one year from the date of the approval of this act unless within said period the Legislature of Arkansas shall pass an act expressly approving this declaration.

So here is a case where we are going to pass a law of Congress and get the approval of the State legislature. Otherwise it will become void one year afterwards. The stream is now navigable, but we will pass a bill, and as soon as it becomes a law the stream becomes nonnavigable; and in one year from that time, unless the Legislature of Arkansas declares by solemn statute that it is nonnavigable, it will again become navigable. This river is now a navigable stream; we pass a law and it becomes nonnavigable; and all commerce ceases; everything is on a dead quiet; the Legislature of Arkansas meets in solemn conclave and says that this stream is navigable, and then it becomes again navigable. Now you have it and now you do not have it.

So the farmer who wants to get across this creek to town with a load of corn or oats or wheat will have to look at the calendar before he starts, for he would not dare even to put a temporary structure across that stream; he would not dare impede that river in any way by dropping a load of rocks into it, in order to make the foundation solid, so that he might drive across, unless he got the permission of the authorities here in Washington to do so.

Mr. President, it seems to me that this only illustrates what I pointed out the other day, that Congress is undertaking, in bills of this kind, to do something that it can not satisfactorily do. It is not the right way for us to legislate. We have been doing it a great many years, and, of course, as has already been pointed out here, a Senator is liable to have his motives impugned if he dares suggest that it is not the right way. After 10 years of development of this stream we have but 6 inches of water in it; and it seems to me that as to other streams provided for in this bill, just as bad as this one, in my humble judgment, where we are appropriating money for maintenance and the continuance of the work, we ought to take the same action that we take here.

Mr. NEWLANDS. Mr. President, I understand the Senator from Nebraska [Mr. NORRIS] is critical of this amendment which is offered by the committee regarding the Cache River, in Arkansas. This amendment involves an abandonment of the proposed appropriation contained in the House bill of \$3,000 for the maintenance of the Cache River. I understand that many of the critics of this bill have been opposing it on the ground that numerous unknown rivers and creeks are receiving appropriations ostensibly in the interest of navigation, and the Senator from Nebraska himself indulges in a somewhat dual argument regarding this item.

The Senator from Nebraska condemns this amendment because it condemns the Cache River to nonnavigability and in the same breath he insists that numerous other items in this bill ought to be treated in the same way; that instead of having appropriations made for their improvement, many other rivers should be abandoned by the Government.

Mr. President, the difficulty with the whole bill is the system under which we are operating. Congress will never be satisfied with it; the country is not satisfied with it; these long and protracted debates indicate that the Senate is not satisfied with it; the failure of two river and harbor appropriation bills indicates that, and yet every public man will concede that it is essential to improve the waterways of the country; that it is essential to develop and control them for every useful purpose, not only for navigation but for the reclamation of arid lands, the development of water power, the reclamation of swamp

lands, and for the other beneficial uses and controls that come from river regulation. It must be true that we are dissatisfied with the system when so much criticism is given to bills of this kind.

I only intend to say a few words, simply to point the argument of the Senator from Nebraska, and those words shall be confined simply to the system itself.

The difficulty is that we are treating each one of these little rivers and inlets and waterways as a separate unit, and we are not considering them all with a view to having a connected and continuous system of waterways which will be perfected instrumentalities for navigation.

I have no doubt that many of the little rivers which are included in this bill would be valuable parts in a continuous and connected system, whilst they are subject to criticism, and to severe criticism, when each one is considered as a separate unit; and yet, under our system with reference to these projects, as the initiative lies in the individual Congressmen and not in some organization charged with the direction of a great public policy, we must have a bill composed of individual projects, appealing to the interests of the individual Representative or Senator and considered without relation to a perfected system of waterway transportation. We have been improving these rivers now for generations and have not yet perfected a single river in the United States—not one. That is a sorry showing for the present system.

Some of us have been urging a policy for years through different bills, among them a bill which I have been urging for many years and which bears the name of the Senator from Louisiana [Mr. BROUSSARD] and myself, calling for a comprehensive policy regarding our waterways, providing for coordination of the scientific services which are engaged in detached studies throughout the country of various parts of these waterways, calling for the cooperation of the States with the Nation, calling for an ample fund which will secure continuous work and which will give us a system of 25,000 miles of waterways and afford as perfect a system of transportation as our 250,000 miles of railways, a system which will carry more tonnage and commerce than the miles of railway in the country, for the waterways will carry the bulky and the cheap objects of transportation.

Mr. President, I do not intend to take up the time of the Senate. I have recently addressed a circular letter to each Senator calling attention to the fact that I have a motion pending here to refer the flood-control bill, known as the Humphreys bill, and the so-called Newlands bill, both of which lie on the table, to the Interstate Commerce Committee of the Senate, and I ask leave to insert that letter in the RECORD.

**THE PRESIDING OFFICER.** Is there objection to the request of the Senator from Nevada?

Mr. SMITH of Michigan. Mr. President, let me ask the Senator from Nevada, does he think that under the rules of the Senate the Interstate Commerce Committee have jurisdiction of the subject matter, or does he ask this as a favor and courtesy from his colleagues?

Mr. NEWLANDS. I think the Interstate Commerce Committee has jurisdiction of that subject, but it has never yet asserted it, and I will give my reasons. The older committee is the Commerce Committee. The jurisdiction of that committee covered both interstate and foreign commerce.

**THE PRESIDING OFFICER.** Is there objection to the request of the Senator from Nevada to have inserted in the RECORD the circular letter referred to by him?

Mr. SMITH of Michigan. No; I shall not object, because I think it is a good letter and does the Senator from Nevada credit; but I was really a little in doubt after I had read it whether the Senator was asking a courtesy from his colleagues or a right for his committee. My own impression is that the Committee on Commerce have jurisdiction over that subject, and that it ought not to be deprived of that jurisdiction without good reason.

**THE PRESIDING OFFICER.** In the absence of objection, the letter referred to by the Senator from Nevada will be printed in the RECORD.

The letter is as follows:

UNITED STATES SENATE,  
Washington, D. C., May 19, 1916.

MY DEAR SENATOR: I have a motion pending to refer the so-called flood-control bill and the Newlands river-regulation bill to the Interstate Commerce Committee, instead of the Commerce Committee, and I am inclosing you my remarks upon the question of committee jurisdiction as well as copies of these bills. This question will be disposed of shortly, either during or after consideration of the river and harbor bill.

Is not the primary and basic reason for river regulation the need of the country—not for mere river channels without commerce, but for a great system of inland waterways, like that of Germany, crowded with

actual water-borne commerce, thereby relieving congested railway traffic, reducing transportation costs, and rendering unnecessary huge additional burdens on the people for new railroads and enormously expensive railroad terminals?

Have not our efforts to establish such a system been a failure? Have we not thus far made progress backwards, in our attempt to up-build inland-waterway commerce?

The answer to all these questions must be "yes."  
And is not the reason for the steady deterioration in our waterway commerce the fact that we have assumed, up to this time, that all that was needed to develop water-borne commerce was "river improvement" as heretofore made, through the river and harbor bill, under the jurisdiction of the Senate Commerce Committee and the House Rivers and Harbors Committee?

That is the reason. That is why we have failed. A revival of waterways will be brought about only by coordinating rail and water routes and rates of transportation, and providing adequate transfer facilities and waterway terminals. That can not be done through any other committee than the Interstate Commerce Committee.

I have given this subject much thought and am profoundly convinced that until the jurisdiction over inland waterways, including river regulation, is vested in the Interstate Commerce Committee, our efforts to establish waterway commerce will continue fruitless and we will continue to waste millions upon the improvement of rivers that carry no commerce justifying the expenditure.

Flood control is a mere incident of river regulation or waterway development. The constitutional authority for flood control lies primarily and principally in the power to aid interstate commerce by promoting waterway development. Any other source of power is incidental. If I am right in these views, and it seems to me they are incontrovertible, is it not clear that the river-regulation bill, introduced by me in the Senate, and the flood-control bill, recently passed by the House, should be referred to the Interstate Commerce Committee?

I hope you will concur with me in this view. No question has arisen in many years of more vital importance to the country than the benefits that will result from this new and broader treatment of our problem of waterway development, contemplating, as it does, not only the carrying of interstate commerce but the creation of interstate commerce by such beneficial use of the water as will prevent the formation of floods in the lower reaches of the rivers.

If we now inaugurate the policy I am urging, in a very few years the Mississippi, the Missouri, the Ohio, and all other rivers reaching far inland from the bays and harbors on the Atlantic, Pacific, and Gulf coasts will be crowded with commerce, and the saving to our people in the cost of transportation will be so vast as to be almost beyond calculation.

Very truly, yours,

FRANCIS G. NEWLANDS.

Mr. NEWLANDS. Mr. President, I have great respect for the Committee on Commerce, and my suggestion involves no lack of confidence whatever in that committee; but I think that every subject ought to go to a committee having jurisdiction. I was about to show that originally the Commerce Committee was the only committee having power to deal with these subjects, and that its jurisdiction included both interstate and foreign commerce. Later on, the attention of the country being called to the necessity of regulating interstate commerce, a committee was organized called the Interstate Commerce Committee, and the assumption of that committee of jurisdiction over interstate commerce has been a very gradual one, but a very progressive one.

In the first place, that committee took jurisdiction only over the railroads. Then it extended its jurisdiction to express companies, to telegraph companies, to pipe-line companies, and other instrumentalities of interstate commerce; thus, by gradual process, not enlarging its jurisdiction, but assuming jurisdiction over a subject which the very character of the committee and its organization entitled it to.

Only recently has the question of waterway transportation come up as a vital question affecting the prosperity of the country in the future. The question of coordinating the waterways with the railways has only come up within late years. The attention of the country has been called to the absolute necessity of developing its rivers, not only for navigation, but for all incidental purposes, and attention has also been called to the fact that the elaboration and development of the incidental uses of these rivers will go far toward justifying the very large expenditure necessary for the development of rivers for navigation; so that, by teamwork between the users, great work can be accomplished in the development of these rivers, which will make them not only a source of wealth, whereas at present they are destroyers of wealth, but will make them great and beneficial instrumentalities for the promotion of the transportation of the country, and in such a way as to aid the railroads and not to injure them, for we are beginning to realize that we are about reaching the limit of the capacity of our railway transportation. The freight congestion all over the country is calling our attention to that fact, and we are told that it will take an expenditure of \$5,000,000,000 upon the railroads in the near future in order to meet the demands of transportation. If we can by an expenditure of \$1,000,000,000 in the development of these 25,000 miles of waterways in the country do away with the necessity of an expenditure of a large portion of that \$5,000,000,000 which in the near future must otherwise be expended upon the railways, we will be doing the country a great benefit in the line of economy as well as efficiency.



So, too, as the telegraph lines and the express companies and other instrumentalities have gradually come within the jurisdiction of the Interstate Commerce Committee—not by usurpation, but by right—why is it not time now logically to conclude that waterway transportation should come up for action by that committee? The most important part of waterway transportation is the perfection of the rivers themselves for commerce, and a most important part of that development will be legislation which will prevent the rail carriers from destroying the water carriers, as they have in the past, by lowering the rates during the navigable season so that transportation will not be profitable to the water carriers and then raising the rates during the season when the rivers are not navigable either as the result of drought or ice. There must be also a system of teamwork that is absolutely essential.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. NEWLANDS. Yes.

Mr. JONES. I just wanted to ask the Senator if there is not a provision in the law now under which, if a railroad lowers its rates as the Senator has suggested, they can not be raised again without making a showing to the Interstate Commerce Commission?

Mr. NEWLANDS. I do not recall the exact legislation upon this subject. There has been some.

Mr. JONES. That is my recollection—that there is such a provision in the law.

Mr. NEWLANDS. There has been some legislation upon the subject, but the question has never been taken up seriously by the Interstate Commerce Committee. It ought to be, and the whole question ought to be taken up, it seems to me, by that committee.

In the friendliest spirit to the Commerce Committee, and without any disposition whatever to invade its jurisdiction, I simply say that it seems to me that the time has come when the Interstate Commerce Committee, organized to take charge of interstate commerce, should assume the jurisdiction which was originally granted to it when the committee itself was created, and that this is not a usurpation of authority, but is simply the exercise of a right which has existed but has not been used.

I do not want to delay the consideration of this bill. I say it would be a great mistake if the numerous rivers included in this bill which are regarded as small and inferior were suddenly declared to be nonnavigable. I yield to the wisdom of the Senator from Arkansas with reference to this particular river. I have no doubt his judgment is right regarding this river, and I concur in the amendment which he has offered, that it should be declared to be nonnavigable. But I object to the suggestion of the Senator from Nebraska [Mr. NORRIS] that all the obscure little rivers included in this bill should be declared nonnavigable, for I think it would be a blow aimed at the future development of the great waterway transportation system of the country, which will involve not only the development of the existing rivers and their tributaries but their connection by artificial canals in such a way as to make it possible to move from one part of the country to another entirely by water, as they do in Germany and in France.

Mr. SMITH of Michigan. Mr. President, the Senator from Nevada [Mr. NEWLANDS] has for years pressed upon the committee his views regarding the coordination of the various departments in his general plan, but I think never until now has he disclosed any selfish purpose to do the whole thing himself. For one, I must say that I can not agree with the Senator that the Committee on Interstate Commerce is the appropriate committee to take charge of the legislation as he suggests.

I want to say further—and I am sorry the Senator from Nebraska [Mr. NORRIS] is not here—that a great deal has been said against this bill. We can judge this bill somewhat by the various items affecting our own States. There is not an item in this bill affecting the State of Michigan that I would not be willing to leave to the Senator from Nebraska on its merit. That is the test of these items. There is only one river in Michigan provided for in this bill by affirmative appropriation, and that is the St. Clair River. This came too late to include in the House bill. The present channel in the St. Clair River accommodates 78,800,000 tons of freight annually. The commerce in this river last year amounted to \$855,800,000. All of that commerce must be carried through a channel on the Canadian side of the St. Clair River, and it is so tortuous and irregular that it exposes vessels going up the river to violent and dangerous contact with those going down. I do not know of

a project in this bill that has more merit than that, and yet that is the only Michigan river provided for in this bill.

I am going to repeat that last year the tonnage on that river amounted to 78,800,000. There is no traffic so great on any similar waterway in the world. I asked that an item of \$83,000 be put in to cut another channel, in order that the vessels coming down would not be obliged to go over onto the Canadian side, and navigate a channel that is in itself very insufficient to accommodate the traffic.

This item is a belated item. It came over here because the Chief of Engineers did not get his report in until after the bill had passed the House. Not to put it in would be the grossest kind of neglect.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 25.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, there is a formal amendment to be made in line 14, page 26. The word "Church" should be stricken out and the word "Clinch" inserted.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "Church" where it occurs in line 14, page 26, and to insert in lieu thereof the word "Clinch."

The amendment was agreed to.

The next amendment was, on page 26, line 25, after "\$500,000," to strike out "Provided, That no contract shall be entered into for the construction thereof until the local interests shall assume and pay all claims for flowage damage or arrange to do so in manner satisfactory to the Secretary of War," so as to make the clause read:

Tennessee River, Tenn., Ala., and Ky.: For maintenance and continuing improvement by open-channel work above Chattanooga, Tenn., \$300,000, and of this amount not to exceed \$5,000 may be expended, in the discretion of the Chief of Engineers and Secretary of War, for the maintenance of the Clinch and Holston Rivers at or near the mouth of said rivers; for maintenance and continuing improvement by open-channel work between Florence and Riverton, Ala., \$120,000; for continuing improvement by the construction of locks and dams between Chattanooga, Tenn., and Browns Island, Ala., in accordance with the report submitted in House Document No. 360, Sixty-second Congress, second session, as modified by the report of the Board of Engineers for Rivers and Harbors printed in Rivers and Harbors Committee Document No. 1, Sixty-fourth Congress, first session, \$500,000: *Provided further*, That one high dam or two low dams may be constructed according as the local interests may contribute the cost of all claims for flowage damage arising from either type of dams, respectively: *And provided further*, That the Secretary of War shall ultimately determine the type of dams to be constructed; for continuing improvement and for maintenance below Riverton, Ala., \$24,000; in all, \$944,000.

Mr. KENYON. Mr. President, I think we should have some information as to why this proviso is proposed to be stricken out, and some information as to why it was originally put in. I assume that the Army engineers asked for it. This bill carries \$944,000 for the Tennessee River. We have spent something like \$10,000,000 on it out of the Federal Treasury, and its commerce, deducting sand, gravel, and timber, does not require any more water than it did 50 years ago. Now, we come along with this proposition, which in itself, as to the amounts appropriated for, ought to be reduced, and at the proper time I shall move to reduce them. The only proviso here that seems to be for the protection of the Federal Treasury is stricken out, and the Government will be compelled under this amendment to pay all claims for flowage damage if this proviso is stricken out.

After this great expenditure of money on this river, running into the millions, and the appropriation in this bill with this proviso assumedly put in by request of the Army engineers, just why it should be stricken out, and the Public Treasury compelled to stand this flowage damage, is more than I can understand.

I shall ask for a vote on this proposition, Mr. President, if it comes to a vote now without explanation. I ask for the yeas and nays on this proposition.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on the motion to strike out.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Alabama [Mr. BANKHEAD] desires to be recognized.

Mr. BANKHEAD. Mr. President, I desire to say a word with reference to the motion to strike out this proviso. It will be observed that the bill provides for the construction of a dam in the Tennessee River—

Mr. CLARKE of Arkansas. Mr. President, as the matter is one of some importance, I think Senators ought to hear what the Senator from Alabama has to say about it, because when they vote on it they ought to know what they are voting about. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Smith, Ariz.
Bankhead	Hughes	Norris	Smith, Mich.
Brady	Husting	Oliver	Smoot
Brandegge	Jones	Page	Sterling
Broussard	Kenyon	Phelan	Stone
Chilton	Kern	Pittman	Sutherland
Clapp	La Follette	Polindexter	Swanson
Clark, Wyo.	Lane	Ransdell	Taggart
Clarke, Ark.	Lewis	Reed	Underwood
Curtis	Lippitt	Saulsbury	Vardaman
Dillingham	Lodge	Shafroth	Wadsworth
Fall	Martin, Va.	Sheppard	Walsh
Gallinger	Martine, N. J.	Sherman	Williams
Hitchcock	Myers	Simmons	

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent on account of illness in his family. He is paired with the junior Senator from Florida [Mr. BRYAN]. I desire the announcement to stand for the day.

Mr. CURTIS. I desire to announce that the junior Senator from Georgia [Mr. HARDWICK] is absent on account of illness. I have a pair with that Senator. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The question is on the amendment of the committee on page 27, to strike out the proviso, upon which the yeas and nays have been ordered.

Mr. BANKHEAD. Mr. President, the pending motion is to strike out the proviso on page 27, beginning on line 4. An examination of the bill as reported by the committee discloses the fact that there were two provisos with reference to this item. The committee struck out the first proviso. I thought the motion included both, but it appears that as the bill is printed only the first proviso was affected.

Now what are the facts? The bill contains an item for the construction of a lock and dam on the Tennessee River between Hales Bar and Decatur. Hales Bar is 35 miles below Chattanooga and was constructed by private capital exclusively. It improved the navigability of the river up to and above Chattanooga.

This proviso, Mr. President, contemplates that the farmers—the owners of land along the river where the lock is to be constructed—shall pay all the damage, the flowage damage, as it is commonly called by the engineers.

There is no town anywhere along there. Nobody lives on that stretch of the river except the farmers along the river for 50 or 75 miles. If these landowners who own small tracts of land along that river that would be subjected to overflow are compelled to pay for that flowage before this work can be constructed, it simply means, Mr. President, that the lock and dam so much needed will never be built.

If this situation was at a considerable port of commerce, a place like Chattanooga or even at Decatur, there would be, perhaps, some justice in saying that the local interests that are to be so greatly benefited by this construction should pay at least a part of the flowage damage. But we should not require it to be paid by these farmers, all of whom are, as I said, small landowners, and that portion of their lands that would be overflowed by this construction is the most valuable part of their holdings.

This proviso is much worse than the one stricken out, because the one stricken out by the committee contemplated the building of one dam—one low dam—as it is expressed. The proviso that we are now considering provides that one high dam may be built, I presume for the purpose of creating a power situation, if that should appear to be advisable, and in that case the flowage damage would exceed \$100,000.

Now, why should these people be called upon to pay that? There is no justice in it. There is no fairness in it. No board of engineers, so far as I know, have suggested or recommended it, and how it got into this bill I do not quite understand. It came over, however, from the House of Representatives. As I stated, it was my impression when the committee acted upon the bill that both these provisos were included in the motion I made and that both were stricken out. There is some misunderstanding about it, either in the printing or in the construction put upon the motion I made, by the Committee on Commerce when the bill was being considered.

That is all there is in this case, and I hope the Senate will recognize the injustice of the unusual demand that is being made—the requirement that would be made of people on this stretch of the river owning small tracts of land. The most valuable of their land would be destroyed by the construction of this dam, and then in the face of that it has been proposed that they shall be required to pay the flowage damage.

The PRESIDING OFFICER. The question is on the amendment of the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK], who is absent on account of illness, and I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from New York [Mr. O'GORMAN], who is absent, and I withhold my vote.

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SAULSBURY (when his name was called). In accordance with my previous announcement of a general pair I withhold my vote.

Mr. SHERMAN (when his name was called). I am paired with the Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the Senator from Iowa [Mr. CUMMINS] and vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who is absent for the day. For that reason I withhold my vote. I will let this announcement stand in relation to all votes during the afternoon.

Mr. UNDERWOOD (after having voted in the affirmative). I am paired with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the Senator from Tennessee [Mr. LEA] and let my vote stand.

Mr. MYERS. I will ask if the Senator from Connecticut [Mr. McLEAN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MYERS. I have a pair with that Senator. I transfer my pair to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. WILLIAMS. I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I understand that if he were present he would vote as I am about to vote. I therefore regard myself as released from the pair. I vote "yea."

Mr. TILLMAN. In the absence of my pair, the Senator from West Virginia [Mr. GOFF], I withhold my vote.

Mr. OLIVER (after having voted in the affirmative). I understand that the senior Senator from Oregon [Mr. CHAMBERLAIN] with whom I have a pair is not present. I will therefore transfer my pair to my colleague [Mr. PENROSE] and allow my vote to stand.

The result was announced—yeas 35, nays 17, as follows:

#### YEAS—35.

Bankhead	Lippitt	Phelan	Smith, Mich.
Borah	Lodge	Pittman	Stone
Broussard	Martin, Va.	Polindexter	Swanson
Chilton	Martine, N. J.	Ransdell	Underwood
Clapp	Myers	Reed	Vardaman
Clark, Wyo.	Nelson	Sheppard	Wadsworth
Clarke, Ark.	Oliver	Simmons	Walsh
Fall	Overman	Smith, Ariz.	Williams
Hughes	Page	Smith, Ga.	

#### NAYS—17.

Ashurst	Husting	Lane	Sutherland
Brady	Johnson, S. Dak.	Norris	Taggart
Brandegge	Jones	Sherman	
Hitchcock	Kenyon	Smoot	
Hollis	La Follette	Sterling	

#### NOT VOTING—44.

Beckham	Fletcher	Lee, Md.	Shafroth
Bryan	Gallinger	Lewis	Shields
Burleigh	Goff	McCumber	Smith, Md.
Catron	Gore	McLean	Smith, S. C.
Chamberlain	Gronna	Newlands	Thomas
Colt	Harding	O'Gorman	Thompson
Culberson	Hardwick	Owen	Tillman
Cummins	James	Penrose	Townsend
Curtis	Johnson, Me.	Pomerene	Warren
Dillingham	Kern	Robinson	Weeks
du Pont	Lea, Tenn.	Saulsbury	Works

So the amendment of the committee was agreed to.

Mr. CLARKE of Arkansas. The logic of that is to make it necessary to strike out the other proviso in the bill, and I move, beginning with the word "further," in line 4, that the matter between that point and the word "That," in line 8, be stricken out; in other words, that the second proviso be stricken out.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the following words:

*Provided further, That one high dam or two low dams may be constructed according as the local interests may contribute the cost of all claims for flowage damage arising from either type of dams, respectively: And provided further.*



Mr. WALSH. Will the chairman of the committee give us some information as to why these provisions were put in the bill originally?

Mr. CLARKE of Arkansas. They were put in in the House. The committee did not go very elaborately into the investigation before the amendment suggested by the Senator from Alabama [Mr. BANKHEAD] was adopted, because they felt satisfied that even if the Senate committee should agree with the Senator from Alabama the matter would not pass entirely beyond the control of the conference because it would come up again in conference. It was the purpose of the committee at that time to look into the general question as to whether or not the words "local interests" really meant the farmers of the locality or whether it meant certain other interests interested in the construction of that particular dam. In other words, the committee felt that a full opportunity would be left to determine the justice and propriety of the provision by striking it out. Assuming that the House had some particular reason for including it, we did not make a very full examination of the report of the Board of Engineers. We just assumed that it was such an unusual provision to be in the bill that it was worthy of further investigation.

Mr. WALSH. I will say that I was investigating the report accompanying the bill and I find in it no explanation whatever of the significance or import of the original provision and no explanation whatever of the action recommended by the committee, namely, striking out the first proviso, and no explanation whatever in the report as to why, if the first proviso was stricken out, the second proviso was not likewise stricken out.

Mr. CLARKE of Arkansas. If the words "local interests" be confined to landowners, farmers along the route owning that part of the land adjacent to the river which will be subject to overflow in the event the dam is constructed, there is no justice in making those persons pay the flowage damage.

Mr. WALSH. I agree with the Senator.

Mr. CLARKE of Arkansas. They are victims, not beneficiaries, in a large degree.

Mr. WALSH. I agree with the Senator completely that there is no semblance of justice in that, and I assume that that was not what was meant at all. Of course, we all understand that there are immense power possibilities in that portion of the Alabama River. I assumed that this meant that those parties who desired to develop power on the river might be induced to enter into some arrangement with the Government by which the expense of the work would be divided between them and the Government. Am I correct?

Mr. CLARKE of Arkansas. The term "local interests" in its primary meaning would not include an arrangement like that, but it might be made in this particular instance to mean it. If upon further investigation that turns out to be the fact, I assume that the amendment will not remain out of the bill, although we might strike it out here now. If there are interests other than those of the farmers and the landowners along the stream interested sufficiently to make it just to contract with them, that will be demanded before the matter is finally disposed of.

Mr. WALSH. With the enlightenment I have, I do not know really how to vote on this question.

Mr. NELSON. Will the Senator from Montana allow me? I wish to say to him that this is a dam to be constructed by the Government, not by private parties; and, of course, if there is any surplus power for the Government to lease, it would get a profit out of it. It is not like a private dam.

Mr. JONES. Mr. President, I merely wish to call the attention of the Senator from Montana to the fact that the engineers recommend that the flowage rights should be taken care of by the State, counties, and municipalities, and other local interests before the Government goes into the expenditure of this money.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to insert "Provided also, That the pierhead for marking the east end of the east breakwater extension and provided for in the existing approved project shall be located at the east extremity of the breakwater as now built, the structure to be built with funds previously appropriated for that purpose," so as to read:

Harbor at Cleveland, Ohio: For maintenance, \$65,000: *Provided also, That the pierhead for marking, etc.*

Mr. SMOOT. Mr. President, in the first place, I wish to suggest that the word "also" ought to be stricken out.

Mr. CLARKE of Arkansas. Yes.

Mr. POMERENE. There is no objection to that.

Mr. SMOOT. If there is no objection to that, I wish to ask the Senator from Ohio to explain this amendment.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Utah that the word "also" be stricken out? The Chair hears none, and it is so ordered.

Mr. POMERENE. Mr. President, I do not have with me the correspondence which I had on this subject. I offered this amendment at the instance of the Cleveland Chamber of Commerce. There have been some changes in the harbor there, and it seems provision was made for the construction of this pierhead under some previous action of Congress at a given place, as I understand it.

Mr. CLARKE of Arkansas. May I interrupt the Senator?

Mr. POMERENE. Certainly.

Mr. CLARKE of Arkansas. During the consideration of this item the matter was referred to the junior Senator from Ohio [Mr. HARDING], who was directed to make the necessary investigation and report to the committee. He reported that the amendment was entirely proper and was much needed, and supported the report with some communications from persons who were anxious to be heard. The effect of it was that it satisfied the committee absolutely that it was an entirely proper amendment. It does not cost the Government anything and makes more convenient the general improvement contemplated by the appropriation.

Mr. POMERENE. I may say also that I had some letters from certain shipping interests, working in harmony with the chamber of commerce, and they were to the effect that this provision should be in the bill.

Mr. SMOOT. The object I had in asking the question was to know from the Senator from Ohio whether, if the change was made, it would cost more than the original plan?

Mr. CLARKE of Arkansas. My understanding is that the junior Senator from Ohio reported that it would not; that it was merely a convenience in providing the improvement.

Mr. SMOOT. As far as dollars and cents are concerned, there is no change made by a change of the plan.

Mr. CLARKE of Arkansas. No.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert:

Arcadia Harbor, Mich.: For improvement and rebuilding old piers, \$25,000.

Mr. KENYON. Mr. President, I only wish to suggest about Arcadia that, as I understand the report of the Chief of Engineers and the Board of Army Engineers, this is a project that has been condemned twice. Of course, I realize that that makes no difference. We have appropriated, according to the report, \$63,000 for Arcadia Harbor. The commerce is practically nothing. What there has been has been forest products. I wish to read into the RECORD a part of the report of the Chief of Engineers, dated February 8, 1916:

Arcadia Harbor is on the east shore of Lake Michigan, 17 miles north of Manistee Harbor and 10 miles south of Frankfort Harbor. The harbor was constructed by private parties to afford facilities for the shipment of lumber. The river and harbor act approved March 3, 1905, adopted a project for the maintenance of the entrance channel by dredging not less than 50 feet wide and 12 feet deep below low water, at an annual cost of \$3,000, the work to continue for a period of five years. Since the expiration of that period several reports have been submitted under congressional authorization recommending the discontinuance of improvement by the United States. The district officer is of opinion that the present and prospective commerce is too small to justify the necessary expenditure for the maintenance of this harbor and he recommends that the improvement be abandoned by the United States. The division engineer and the Board of Engineers for Rivers and Harbors concur in this opinion.

After due consideration of the above-mentioned reports, I concur in the views of the district officer, the division engineer, and the Board of Engineers for Rivers and Harbors, and therefore recommend legislation authorizing the discontinuance of the work of maintaining this harbor.

Notwithstanding that, Mr. President, Arcadia is in this bill for \$25,000. I dislike to object to it on account of the distinguished Senator from Michigan [Mr. SMITH]. That is always the hard part of any of these matters, because Senators seem to have certain projects which they regard as personal to themselves, and when any criticism or objection is raised we are met with the charge that we assume that all morality and honesty is with us. But here is the direct issue again, just as it was on the Arkansas River, of a project condemned by the Army engineers, of whose infallibility we have heard so much, and it will be for the Senate again to go on record as to whether it will simply stand by the Army engineers when they report favorably to their projects and reverse them when they report otherwise.

Mr. SMITH of Michigan. Mr. President, I do not know that I care to say anything. Almost everyone in the Senate is

familiar with Arcadia. This little rural community on Lake Michigan built this harbor at their own expense, at a cost of \$75,000, which was a great deal for a small community like that. The Government engineer went up there and investigated the matter and concluded that to rebuild these piers would require an expenditure of \$140,000. The people there took up the matter, and more than half rebuilt the piers at an expense of \$15,000. It will take \$25,000 to complete the project. This rural community has no other way of getting its products to market, except through this harbor, to Milwaukee and Chicago.

Mr. SMOOT. Mr. President, I simply wish to add a few words to what the Senator from Iowa [Mr. KENYON] stated in relation to this project. All the commerce at this harbor, as reported by the Chief of Engineers, amounts to but 21,525 short tons. That was in the year 1914. The amount is growing less each year. Ninety-five per cent of the commerce is in forest products alone. It is entirely a local business. There is but one railroad that reaches the little town, known as the Arcadia & Betsie River Railroad.

Mr. SMITH of Michigan. I will say to the Senator from Utah, if he will permit me, that that railroad does not do the town any good; it was never intended as a commercial highway.

Mr. SMOOT. I am not speaking against the town; I am speaking against the appropriation of \$25,000. I was simply calling attention to the fact that there was a railroad that reached the little town; and I was going to say that it does not do an interstate business.

Mr. SMITH of Michigan. Probably not.

Mr. SMOOT. Mr. President, the engineers report as to the "proposed operations" as follows:

Proposed operations: The funds available for maintenance will be exhausted June 30, 1916. No recommendation is made for appropriation for fiscal year ending June 30, 1917. Maintenance for the year would require about \$4,000 for dredging, engineering, and contingencies.

The engineers have reported against the project; but if there is to be an appropriation made, they say that \$4,000 is all that is necessary, yet we find an amendment in the bill providing for an expenditure of \$25,000.

Mr. SMITH of Michigan. The Senator from Utah does not think that that money would be wasted by the engineers, does he?

Mr. SMOOT. Mr. President, I can not say what the engineers would do with the money.

Mr. SMITH of Michigan. Does the Senator believe the money would be wasted?

Mr. SMOOT. I am afraid a great deal of it will be.

Mr. SMITH of Michigan. Not on this little project.

Mr. SMOOT. In fact, I think that nearly half of all the money that has been appropriated in the past 50 years, amounting in the total to \$850,000,000, has been wasted, so far as any benefit to the commerce of the country is concerned.

Mr. SMITH of Michigan. This would not pay the interest on that amount of money for 30 seconds.

Mr. SMOOT. That is true; but this is only one of the items in the bill which never ought to be in it, in my opinion.

Mr. SMITH of Michigan. If the Senator from Utah speaks much longer, the interest will amount to more than the appropriation.

Mr. SMOOT. Mr. President, I know there is little use in calling the attention of the Senate to any of these unwarranted appropriations, and I have become discouraged in doing so; perhaps it will be just as well to let the bill pass; but I do know that if the people of the country understood that appropriations were being made by Congress for this character of work it would not meet their approval. I know this proposed appropriation is small compared to other great items in the bill; but \$25,000 for this project and \$25,000 for another project, and \$12,000 for this and \$10,000 for that, will soon run up into the millions of dollars, as every Senator must understand.

There are some 270 items or projects appropriated for in the bill, and I can not see what justification a Senator can offer for voting an appropriation of \$25,000 for a project which the Army engineers say should be abandoned, and as to which they also further state that if it is to be maintained, and if the Government of the United States is to make further appropriations for its maintenance, \$4,000 will be ample for the dredging, for the engineering, and for all contingencies; yet we find an amendment to the bill carrying \$25,000 for the purpose.

Mr. President, I am not going to say any more upon this item; but it seems to me that it can not be defended; and I do not believe that the Senate of the United States ought to throw this money away, for that is exactly what it means if the amendment is agreed to.

Far be it from me to cast a vote that would harm any of the people in the little town which this project is supposed to assist; if I thought, Mr. President, that it would assist them in

any way, I would never vote against it; but here we find that 95 per cent of all the commerce consists of saw logs, that can be floated without the expenditure of a single cent by the Government for dredging. Therefore, Mr. President, I shall be content to allow Senators to vote for this appropriation if they desire to do so; but I do not believe that any Senator can justify his vote for it.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on the amendment reported by the Committee on Commerce.

Mr. KENYON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CHILTON. What is the pending question?

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 28, after line 7, it is proposed by the Committee on Commerce to insert the following item:

Arcadia Harbor, Mich.: For improvement and rebuilding old piers, \$25,000.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Being advised, however, that if present the Senator from North Carolina would vote as I shall vote, I vote "yea."

Mr. CURTIS (when his name was called). Again announcing my pair with the junior Senator from Georgia [Mr. HARDWICK], I withhold my vote.

Mr. MYERS (when his name was called). I make the same announcement as to my pair and its transfer which I made on the last vote and vote "nay."

Mr. SAULSBURY (when his name was called). Repeating the same announcement as to my pair that I made on the previous roll call, I withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. That Senator being absent, I withhold my vote. I will ask that this announcement stand for the day.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. LEA] and vote "nay."

The roll call was concluded.

Mr. STONE. I have been requested to announce that the Senator from South Carolina [Mr. TILLMAN] is paired with the Senator from West Virginia [Mr. GOFF].

Mr. GALLINGER. I announce my pair with the senior Senator from New York [Mr. O'GORMAN], who is absent to-day. For that reason I withhold my vote.

Mr. LEA of Tennessee. The transfer of a pair having been made to me, I desire to transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and will vote "yea."

Mr. THOMAS. I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], which I transfer to the junior Senator from South Dakota [Mr. JOHNSON] and vote "nay."

Mr. CATRON (after having voted in the affirmative). I have a pair with the Senator from Oklahoma [Mr. OWEN], who has not voted. I therefore ask to withdraw my vote.

Mr. CURTIS. Mr. President, I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Rhode Island [Mr. McLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

The result was announced—yeas 27, nays 22, as follows:

#### YEAS—27.

Broussard	Lea, Tenn.	Pittman	Smith, Ariz.
Chilton	Martin, Va.	Polindexter	Smith, Mich.
Clapp	Martine, N. J.	Ransdell	Stone
Clarke, Ark.	Nelson	Reed	Swanson
Fall	Oliver	Shafroth	Vardaman
Fletcher	Page	Sheppard	Wadsworth
Hollis	Phelan	Simmons	

#### NAYS—22.

Ashurst	Husting	Sherman	Thompson
Borah	Jones	Smoot	Walsh
Brady	Kenyon	Sterling	Williams
Brandegge	Lea	Sutherland	Works
Gore	Myers	Taggart	
Hughes	Pomerene	Thomas	



## NOT VOTING—47.

Bankhead	du Pont	Lee, Md.	Robinson
Beckham	Gallinger	Lewis	Saulsbury
Bryan	Goff	Lippitt	Shields
Burleigh	Gronna	Lodge	Smith, Ga.
Catron	Harding	McCumber	Smith, M1.
Chamberlain	Hardwick	McLean	Smith, S. C.
Clark, Wyo.	Hitchcock	Newlands	Tillman
Colt	James	Norris	Townsend
Culberson	Johnson, Me.	O'Gorman	Underwood
Cummins	Johnson, S. Dak.	Overman	Warren
Curtis	Kern	Owen	Weeks
Dillingham	La Follette	Penrose	

So the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 28, after line 13, to insert:

For dredging above Ogden Street Bridge, Menominee River, \$16,000.

Mr. KENYON. Mr. President, I am not rising to object to that item, but I should like to have some explanation of it in the Record. I think there was nothing concerning it before the committee.

Mr. SMITH of Michigan. Mr. President, it is perfectly simple. This bridge runs across the center of the city of Menominee. The appropriations hitherto have been expended only south of the bridge, and this amendment authorizes an expenditure of \$16,000 north of the bridge, which is necessary. Menominee is a thriving city, and this stream is an important highway of commerce.

Mr. KENYON. I should like to ask the Senator if there is any recommendation by the Board of Army Engineers in regard to this item?

Mr. SMITH of Michigan. In the last river and harbor bill we provided for an appropriation for use south of this bridge. In the bill prior to that I think the same thing was done, and, without authority to dredge north of that bridge none of this money, \$16,000, can be spent there. I have nothing more to say about it. I think the item ought to go in.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 28, after line 19, to insert:

Saugatuck Harbor and Kalamazoo River, Mich.: For maintenance, \$10,000.

Mr. KENYON. Mr. President, notwithstanding this is a small item and there seems to be some irritation when we ask about small items, I should like to inquire if a resurvey of this project was not ordered at the last session of Congress and whether or not there has been any report on it? There was nothing before the committee, as I remember, about this item. Of course, I suppose it does not make much difference whether we know anything about it or not, but I should like to secure what information I can.

Mr. SMITH of Michigan. Mr. President, I know something about it. I know about the traffic there. There is a very large traffic at Saugatuck, which is an important harbor on Lake Michigan. The harbor has been completed. No money was provided for maintenance. The harbor will not maintain itself. It is left to Congress to say whether that harbor shall be maintained; and we put this item of \$10,000 in the bill to maintain it. If the engineers do not spend it for that purpose it will be left in the Treasury.

Mr. SMOOT. Has there been an appropriation heretofore for this specific project?

Mr. SMITH of Michigan. This harbor has been practically completed, and now it has got to be maintained, just as other items provide for maintenance for the harbor at Charlevoix, at Frankfort, and other places.

The money, as I have said, can only be used for maintenance; if it is not necessary, it will not be expended; but if it is necessary, its expenditure must be authorized in order to enable the engineers to protect the work already done.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 29, after line 15, to insert:

St. Clair River, Mich., with a view to securing a channel along the water front of Port Huron 21 feet deep at low water and 400 feet wide, according to the report of the Chief of Engineers in House Document No. 782, first session Sixty-fourth Congress, \$83,325.

Mr. SMITH of Michigan. Mr. President, the report referred to in the amendment did not reach the House before the bill was completed. The item provides an additional channel in the St. Clair River. Through the St. Clair River passed last year 78,800,000 tons of freight, valued at \$855,500,000. That chan-

nel is very congested, tortuous, and unsafe to navigate; we want another channel along the Port Huron water front, which will make it more safe for vessels than otherwise. No waterway in the world accommodates the amount of traffic that is borne on the St. Clair River. This amendment ought to be agreed to. It was put in by the committee on my motion, and I have no doubt that it will be approved by the Senate.

Mr. SHERMAN. Mr. President, I want to inquire of the Senator in connection with this proposed amendment if he intends to offer any objection to the adoption of the amendment to which I will call his attention on page 31, beginning in line 24 and extending over to page 32? I ask that question in view of a communication from certain manufacturers and harbor authorities presented some days since and incorporated in the CONGRESSIONAL RECORD. It referred to the alleged lowering of the lake levels, especially in the upper lake regions, because of the diversion of water through the sanitary district channel of Chicago. Does the Senator intend to offer any objection to the amendment to which I have referred?

Mr. SMITH of Michigan. Mr. President, I do not know just why the Senator from Illinois should ask that question. Does the Senator mean to argue that the construction of another channel through the St. Clair River would divert the waters of Lake St. Clair and Lake Huron?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Michigan. Not at all.

Mr. SHERMAN. That is the point.

Mr. SMITH of Michigan. This channel is not long and only 400 feet wide.

Mr. SHERMAN. It is the bone of contention, Mr. President.

Mr. SMITH of Michigan. It is a very different thing from an artificial waterway that takes water out of Lake Michigan and puts it into the Gulf of Mexico.

Mr. SHERMAN. Before the vote, in order that I may vote as intelligently as I am able to do, I should like to state that the St. Clair River, which connects the waters of the two lakes, Huron and Erie, is directly connected with the question of lake levels. As I remember now—and I can turn to the document later—the original natural depth of the St. Clair River at or about the point covered by this amendment was about 8 feet. There were a number of channels in its natural state, making what might be called flats, as I remember the report of the engineers on it. The channel has now been changed until the present depth is about 20 feet, and it is contemplated by this amendment that the depth would be increased to about 21 feet. The original width of this channel was much less than is now proposed. I do not know what it was, but it is now proposed in this amendment to make the width some 400 feet.

Mr. SMITH of Michigan. Yes.

Mr. SHERMAN. I call the Senator's attention to the physical condition not only of the upper lake region that is connected with the subject of levels, but the increasing of the width and depth of the connecting waters between the lakes, which comprise what is called the lower lake region. The greater these connecting waters are increased in depth or width the greater the flow of water. It facilitates the passage of water even between so large bodies as the lakes.

The reason why I make this inquiry is that if any objection shall be made to the proposed amendment on the ground that it diverts a certain amount of water from Lake Michigan, I wish to state now that these improvements of waterways like the St. Clair River facilitate the flow of water from Lake Huron into Lake Erie, and so from Lake Michigan and Lake Superior. This one, standing by itself, would be insignificant; but this question has been raised and argued at great length, and many engineers of two nations have reported at various intervals, and have arrived at widely different conclusions. The claim is, on petition filed by the Senator some days ago, that so much water has been diverted from the territory of these petitioners that it interferes with navigation, and has very materially affected the ability to receive and transmit water-borne freight from certain points.

I wish to call the Senator's attention to this matter, and to inquire if he knows about how much of this change in the lake levels is to be attributed to increasing the depth and width of the natural outlet of the lakes, the connecting waters, like the St. Clair River. I will confine it for the present to that point. It is contended by Canada, in numerous reports of their engineers and by their representative, who has been a number of times in consultation with the Chicago authorities, that they have not materially contributed to this. I wish to say, however, to generalize, without going into details at this time, that the increase in the depth and width of the connecting waters between the Great Lakes, whether in the upper or lower lake region, increasing very materially the flow, has contributed



vastly more to the lowering or change of the lake levels—with-out conceding that it is such as to interfere with commerce in any material degree—than all the waters diverted, even though the maximum amount permitted by the War Department should be diverted, at Lake Michigan to the Chicago River and the sanitary district. It has never exceeded 10,000 cubic feet per second, and even that has been cut down of late. That is how this amendment here, which contemplates a change by increasing the depth 1 foot and by increasing the width from 300 feet to 400 feet, which will make a greater outlet for the water and thereby facilitate the flow to an extent that might interfere with the lake levels above, was complained of and charged to the account of the sanitary district.

Mr. SMITH of Michigan. Of course, Mr. President, it would be useless to argue the proposition that to deepen the river would cause the concentration of water to be greater at this point than otherwise; and the engineers have stated that deepening a channel like this to which I have referred would have a tendency, but to what extent I am not able to say, to reduce the lake level. That is one of the reasons why they have been so jealous in protecting the diversion through the Sanitary Canal and the Illinois River on the proposed Lakes-to-the-Gulf plan. But we have reached the point when commerce is seriously congested and the danger to shipping has become very great because of the incapacity of the channel in the St. Clair River, which must, as I said a few moments ago, accommodate 78,800,000 tons of freight a year. There is no waterway like it. There are no figures like these that I know anything about. The value of that commerce aggregates \$855,800,000 per year. They can not safely operate those ships through that single channel along the Canadian shore. Many accidents occur. I venture the assertion that a million dollars' worth of damage has been done to vessels as they attempted to pass through this narrow strip, the St. Clair River.

This is vital to the safety of our commerce on the Lakes, and the engineers recommended it. Their recommendation came too late to get it into the House bill. I have taken the liberty of putting it into the Senate bill. It ought to pass. I have no doubt but that it will pass; and the work of making a new channel to accommodate this commerce should not be longer delayed. The expense is not great, and it has most unusual merit. When we reach the item referred to by the Senator from Illinois I may have something to say about it. A great many people are seriously exercised about it in my State. They think that the diversion of water through that canal would be a serious thing to them and to the shipping upon the Lakes; but this item ought not to be confused with that.

Mr. CLAPP. Mr. President, can the Senator tell us the difference in altitude, if any, between Lake Huron and Lake Erie?

Mr. SMITH of Michigan. No; I can not tell the Senator. The engineers have considered that matter and recommend this plan.

Mr. CLAPP. Is it not so much that in order to maintain this channel you have got to go on and deepen it still farther?

Mr. SMITH of Michigan. No; I do not think so.

Mr. CLAPP. But if the mean level of Lake Huron is above the mean level of Lake Erie, in proportion as you deepen the channel of course it will naturally reduce the mean level in the upper lake and require another deepening of the channel, I should think.

Mr. SMITH of Michigan. The engineers say that it is entirely feasible, and that it is very inexpensive. It takes all the shipping from the Northwest.

Mr. CLAPP. It might be inexpensive and it might be feasible. I was just thinking of the ultimate; that is all. I am not opposed to the item at all.

Mr. SMITH of Michigan. I do not know, Mr. President, but that I ought to put into the Record a statement of the number of vessels that have been injured at that point and their cost. It is a very large item. I think it will go very close to a million dollars. I do not think, however, that I will encumber the Record with it. There can not be any opposition to this item.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the committee.

The amendment was agreed to.

The next amendment was, on page 31, line 23, after "\$55,000," to insert "and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of \$5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act," so as to make the clause read:

Illinois River, Ill.: Continuing improvement and for maintenance below Copperas Creek, \$55,000; and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of \$5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

Mr. LEWIS. Mr. President, in this connection, as explanation of that matter—if explanation is at all needed—I beg to yield to my colleague [Mr. SHERMAN], who is a member of the committee, that he may make an explanation now; and if there is any desire that it shall be followed with anything, I will take the liberty of doing so.

[Mr. SHERMAN addressed the Senate. See Appendix.]

The PRESIDING OFFICER. Does the Senator from Illinois offer the amendment he has read as an amendment to the one proposed by the committee?

Mr. SHERMAN. Yes, sir. It has been printed.

The PRESIDING OFFICER. It will be read.

Mr. CLARKE of Arkansas. Let the amendment be read as it will be when amended as suggested by the Senator from Illinois.

Mr. SHERMAN. All right.

The PRESIDING OFFICER. The Secretary will read the amendment as proposed to be amended.

The SECRETARY. On page 31, line 25, after the word "Assembly," insert the words "approved June 18, 1915," and, on page 32, line 2, following the word "act," insert "the Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation," so that if amended it will read:

Illinois River, Ill.: Continuing improvement and for maintenance below Copperas Creek, \$55,000; and the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly, approved June 18, 1915, providing for an expenditure of \$5,000,000 therefor by the State of Illinois, be and is hereby authorized in accordance with said act.

The Interstate Commerce Commission is hereby given power to fix reasonable charges and tolls for the use of and navigation upon the waterway created under said act of the general assembly of said State in all interstate transportation.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. CLARKE of Arkansas. Mr. President, the committee has no objection to the amendment of the committee being amended as indicated by the amendment offered by the Senator from Illinois.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to. The question is on agreeing to the amendment of the committee as amended.

Mr. LEWIS. Mr. President, I do not know that what I shall say is at all required, and I may impose upon the indulgence of the Senate merely to make clear what might otherwise be presumed to be doubtful.

We have all listened to my colleague [Mr. SHERMAN] in his exposition of the mechanical and engineering surroundings of this project. Without repeating those matters and saving the Senate the burden of its duplication, I desire to say that my position can be expressed by an incident which is reported at the time Edmund Burke ran for the third time for Parliament for Bristol. There was elected with Mr. Burke a colleague by the name of Lauderdale. Lauderdale was a dry-goods merchant. He affected in no wise statesmanship. He knew little of governmental affairs. He knew much of bookkeeping and accounts touching the dry-goods business. After Edmund Burke had rendered a very clear exposition upon governmental questions Mr. Lauderdale rose and responded as follows: "Gentlemen, I say ditto to Mr. Burke; I say ditto." [Laughter.] My position can be best expressed in those exact terms. I say ditto to my colleague. I give my approval to his position. I support his contention. I have personal knowledge of the matters to which he refers.

Mr. President, the Legislature of the State of Illinois, Republican by majority, supported this measure under the suggestion of a Democratic governor. My colleague and myself went over the State of Illinois in different parts presenting from time to time the virtues of this project, getting the people of our State to vote the \$5,000,000 bonds indebtedness which is contemplated in the enterprise.

The Committee on Commerce has courteously considered the whole project, and, as I feel, very patriotically given its approval to this extent, that it allows the State of Illinois to make the expenditure under the supervision of the Federal Government, that the expenditures might cooperate with such methods as the Federal Government now inaugurate and give effect to touching the streams for interstate commerce.

Mr. President, there are but two allusions I shall make, and this shall dispose of anything I shall say upon the project. The able Senator from Michigan [Mr. SMITH] a few moments ago addressed the Senate very capably respecting an amendment touching Michigan, and but for his very able utterance would



hardly have overcome the formidable opposition we saw addressed toward it; but in this observation of his he expressed some doubt as to whether the Illinois project would exhaust the water of the Lakes, or at least so separate this water as to create some little complication upon the surrounding States.

I desire to say to the able Senator that this matter has been seriously investigated and reported upon by the engineering department of the Federal Government; and I wish to offer him the suggestion that if there should be danger in prospect that this waterway could in any wise flood by surplus water the lands of any State, any arrangement by locks suggested by the Federal Government, I am sure, would overcome that. So, therefore, we have at the outset an engineering project and an engineering proposition which would overcome the difficulties of my learned friend from Michigan, if he voiced generally the objections which might come from other sources.

Mr. President, I beg to allude to two other things. If the War Department has objected—that is, if the Chief of Engineers of the War Department has objected—upon the ground that the provisions of the act of the Illinois Legislature, which I tendered to the Senator from Minnesota [Mr. CLAPP], who asked for it, would permit unfair or unreasonable charges for commerce, I have this reply to make: Within the State of Illinois there is a public utilities commission, and within that State these rates will be regulated by that public utilities commission to the same extent that they regulate all other rates purely intrastate. In matters interstate, as affecting Illinois and the other States, the Interstate Commerce Commission, by an opinion of the Supreme Court of the United States lately rendered, has complete jurisdiction. Therefore, to the extent of interstate rates, the Interstate Commerce Commission has full jurisdiction. No imposition therefore seems likely or possible.

For the reasons urged by my eminent colleague [Mr. SHERMAN] in the lucid explanation he has made, I respectfully submit to the Senate that the project is a very worthy one. We are supporting it with our money, the money of Illinois, and asking nothing of the Federal Government but its supervision and that it treat this project as it treats other projects instigated by the War Department and sustained by the Federal Government.

I ask for a vote on the amendment.

Mr. SMITH of Michigan. Just one word, Mr. President. I filed the other day with the Secretary of the Senate a protest from shippers on the Lakes addressed to the Chief of Engineers of the War Department, a copy of which they gave to me. They say:

Each and all of us emphatically protest against any additional water being given to said canal, and respectfully urge that the amount be cut down to not to exceed 250,000 cubic feet per minute during a day of 24 hours.

These people—and their judgment has been reinforced by expert engineering opinion—hold that a diversion of the waters of Lake Michigan into this canal to the extent proposed would reduce the lake levels by an additional 8 or 10 inches. Of course, this is very serious. I do not pretend to give that as my judgment, but I will say that our committee has frequently had this matter up for investigation. Such eminent engineers as Mr. Cooley and Mr. Noble have reported upon it. It is a serious question whether these waters can be diverted through that river and the lake levels be maintained.

I do not desire to impede or to thwart a proposition of such vital importance as that suggested by the Senators from Illinois; but the War Department have this matter now under advisement. The governor of the State of Illinois appeared before the Secretary of War the other day, and in his statement he said to the Secretary of War that he did not desire to reduce the water of Lake Michigan at all; that he thought their plan would not do it. They are asking for a more liberal maximum than has heretofore been granted; and until the War Department have passed upon the question, it seems to me it should not be hastily decided.

I am aware of the large expenditure and its purpose by the State of Illinois, all of which is very commendable; but it can not be said that if the waters of the lake are reduced it will involve no additional expenditure on the part of the Government, for if the levels of Lake Michigan and the other inland lakes are reduced, then we must spend millions and millions of dollars to afford sufficient depth of water in the harbors in order to make them properly navigable. It is just possible that this great expense that the State of Illinois is incurring may have to be compensated by an equal expenditure by the General Government in order that the damage to the lake levels may be rectified.

I simply desire to reaffirm what has been stated in this protest made to the Chief of Engineers. I think the matter ought to be taken up with the engineering department of the Government before decisive action is taken. I think that the engineers should be asked whether or not the lakes can stand this increased diversion of their waters. If the engineers say that they can not, why, then, the authorization ought not to be made.

As I said a moment ago, I do not care to go further into the matter. If it proceeds very far and it becomes evident that injury will be done, the project may be halted. The Government may find it necessary to halt it. Congress may have to reconsider the passage of this section at some future time. I hope that may not be the case; but people doing business on Lake Michigan and Lake Superior and the other lakes are entitled to be heard.

Illinois is almost as vitally interested as is my own State. The maintenance of the present volume of water in the harbor at Chicago is a very important thing to Chicago; I do not disguise that at all; but it seems to me that there is enough to this proposition to warrant its reference to the War Department and to take the judgment of the Chief of Engineers and his advice before we get into a situation from which it may be most difficult to extricate ourselves.

Mr. SHERMAN. Mr. President, before the Senator from Michigan concludes I will ask him if he knows that the War Department, acting through its engineers, has made no objection on the question of lowering the Lake levels; that their objection, speaking through the Chief of Engineers, was entirely on the question of the possibility of the State imposing an excessive freight charge, or toll, and on the ownership of the hydroelectric power to be developed by the waterfall? The objection was based on those considerations and not on the question of Lake levels. They have not raised that question.

Mr. SMITH of Michigan. Oh, yes, Mr. President; this question was raised.

Mr. SHERMAN. They have not raised that question so as to make it a part of their present objection. I take it for granted, I may say to the Senator, that they have passed on that in previous years.

Mr. SMITH of Michigan. This question was raised, I will say to my friend from Illinois, the other day. Four or five days ago at the hearing attended by Gov. Dunne, he said—at least it was so reported to me—that they did not seek to take a cupful of water through the Illinois River in addition to what they are now taking. The Senator and his colleague—both of whom I respect very highly, of course—desire only to do what is practicable and proper. Illinois would suffer if the Lake levels were to be reduced, just as Michigan, Wisconsin, and Minnesota would suffer. If by reason of authorizing the expenditure of \$5,000,000 in that improvement by the State of Illinois the levels of the Lakes were to be reduced so that there must be expended an additional \$5,000,000 or more by the General Government for dredging we shall not have acted wisely.

Mr. SHERMAN. Mr. President, may I ask the Senator again if he realizes that not one gallon of water additional will be taken out by the improvement contemplated? There was a maximum flow permitted by the War Department of 10,000 cubic feet per second; that was the maximum which was allowed. That was reduced by the War Department several years ago, and I think the present cubic feet per second flow is 4,167 cubic feet. The engineers in the War Department having charge of the lake question report that this improvement contemplating an 8-foot channel would not require, if that were the only question—for there are many other questions connected with this diversion of water—a maximum of 10,000 cubic feet per second through the controlling works; that, if the question of navigation alone were to be considered, the diversion of 1,000 cubic feet per second for a 24-hour day would be all that would be required to provide the depth contemplated by the improvement.

Mr. SMITH of Michigan. I understand that that was the argument made by the delegation from Illinois the other day. I am sorry, however, that the Secretary of War has not been able to reach a conclusion upon that hearing. I have just telephoned to the Chief of Engineers to see if a conclusion had been finally reached, and I have ascertained that it has not been. The Senator contends that this will not divert any additional water into the Illinois River, does he not?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Michigan. And I believe that that is the contention of the Senator's colleague? Am I right about that?

Mr. LEWIS. The Senator is.



Mr. SMITH of Michigan. If that is true, of course, any argument that might be attempted against this provision in the bill would be unnecessary and puerile; but if it should turn out that this would reduce the levels of the Lakes, it would be an exceedingly serious matter. For that reason I have felt called upon to present this memorial and to invite the attention of Senators to the question. I should like very much if we were able to get the judgment of the Engineering Corps of the Army before this provision becomes a law.

Mr. SHERMAN. Mr. President, there will not be a particle of danger. If you put the \$5,000,000 paid by the sanitary district taxpayers into the hands of the Army engineers or the Board of Engineers, it would not be 24 hours until there would be a favorable decision. They have an idea that nobody but themselves ought to spend any money.

Mr. SMITH of Michigan. I do not know about that. They were quite in accord with the recommendations of the National Waterways Commission that the respective communities should spend at least half the amount necessary to put their harbors and their rivers in proper shape. I know they badgered that Waterways Commission, for I was a member of that commission and heard their arguments; but I do not care to say any more about it. It is an important matter, in my opinion, and the Senators from Minnesota and the Senators from Wisconsin are all interested in the matter and will be heard before the bill passes the Senate.

Mr. SHERMAN. Mr. President, may I correct a statement made by me? I referred to the Board of Engineers. The Board of Engineers is favorable to this project. I meant to refer to the Chief of Engineers. It would not be fair to say what I did about the Board of Engineers. It is the Chief of Engineers who made the objection.

Mr. LEWIS. Mr. President, let me observe that if any of the objections of the Senator from Michigan shall ever arise and shall ever have existence, such will be plain to the engineers. The Government engineers, cooperating with those from the State of Illinois having charge of this matter, will necessarily observe the amount of water coming forth and report at any time when it could and should be curtailed, and I assure the Senator from Michigan that then Illinois will obey any injunction looking to the protection of her neighboring States which the Board of Engineers recommend.

Mr. CLAPP. Mr. President, I have not gone over carefully the act of the Illinois Legislature referred to in the proposed amendment. It is referred to in the amendment as follows:

And the improvement of navigation of the Illinois River, authorized by an act of the Illinois General Assembly providing for an expenditure of \$5,000,000 therefor by the State of Illinois, be, and is hereby, authorized in accordance with said act.

That is a Federal authorization to proceed under the State law; and, while probably the Federal Government could, as a matter of abstract right, regulate that permission, or, at least, modify the terms of its exercise as expressed in the State law, yet if the State should go on and make a large expenditure on the strength of the authorization by the Federal Government of the proceeding under the State act, would it not place the Federal Government in a position where the State might justly say afterwards "you have authorized this expenditure, business has been adjusted to it, and it is hardly fair for you now to withdraw it or to withdraw any portion of it"? Would not that situation arise if later it was found that the use of the water, as contemplated by the State act, was seriously affecting the Lakes?

Mr. LEWIS. Mr. President, I reply to the Senator from Minnesota by saying that the State of Illinois anticipated that and has practically indicated to the Government that it accepts the permission granted upon such conditions as the Government tenders, and accepts it subject to having the whole project interdicted if at any time it shall develop that it is harmful to any part of the country. For that reason I say to the able Senator that the State of Illinois has anticipated the situation which he supposes might arise, and could not complain in equity—

Mr. CLAPP. The State would be estopped from making complaint.

Mr. LEWIS. The State would be estopped from entering complaint, inasmuch as she sets forth that she accepts the permission under these conditions.

Mr. CLAPP. Mr. President, I realize, of course, the importance of this matter to the State represented by the two Senators from Illinois, and hardly know just what plan to adopt as to voting for a matter of this great importance. I will ask the Senator if the subject was ever considered in the committee?

Mr. SHERMAN. Yes, sir. I offered the amendment in the committee and it was adopted there. Although there was no

debate on it, no objection was made. I stated the purpose of the provision.

Mr. CLAPP. Were the engineers brought before the committee?

Mr. SHERMAN. No, sir. The Board of Engineers favored granting the permission, but the Chief of Engineers made objection, not upon the question of navigation or because of engineering problems or that any obstruction to navigation might ensue, but on the two questions which I mentioned a while ago—one that the State ought not to claim the water power and the other that it might charge excessive freights or tolls. The freight or toll question is covered in the amendment which is printed and is pending.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 32, after line 2, to insert:

Mississippi River: Government dike, in Illinois, directly opposite the city of Louisiana, Mo., for raising dike at least 7 feet, \$15,000, or as much thereof as may be necessary.

Mr. CLARKE of Arkansas. Mr. President, the junior Senator from Missouri [Mr. REED] has charge of that amendment. He is not now in the Chamber, and I ask that it may be passed over for a few moments. An amendment relative to the Government pier at Lewes, Del., on page 11, which was passed over, might be disposed of at this time. I refer to the item on lines 4, 5, 6, and 7, page 11.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, after line 3, it is proposed to insert:

Maintenance and repair of the Government iron pier, harbor of Lewes, Del., hereafter, under regulations prescribed by the Secretary of War, to be opened to public use, \$10,000.

Mr. SAULSBURY. Mr. President, I referred this morning to a report from the Chief of Engineers in regard to the iron pier at Lewes, Del., of which I had seen an advance copy. I have received from the Committee on Rivers and Harbors of the House a copy of that report, which I send to the desk, and ask the Secretary to read paragraph 4 on the second page, which gives the meat of the whole matter.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

After due consideration of the above-mentioned reports, I concur with the Board of Engineers for Rivers and Harbors in the opinion that the repair and maintenance by the United States of the iron pier in Delaware Bay, near Lewes, Del., is not justified solely in the interests of commerce and navigation; in view, however, of the fact that this pier is used by several branches of the Government service and might be important in connection with military-defense operations, I believe that it should be placed in suitable condition for governmental and commercial use. While the act of March 3, 1891, authorized the transfer of the pier to the Treasury Department, it is not apparent that such transfer would be advisable at the present time, as the pier is of value not only to that department but is continuously used and occupied by the Department of Commerce, and with the strengthening proposed by the district officer it will be suitable for commercial purposes and for certain needs of the War Department. It is therefore recommended that an appropriation of \$78,000 be made for repairing this pier, and that the provision of the act of March 3, 1891, authorizing the transfer of the pier to the Treasury Department be repealed.

W. M. BLACK,

Chief of Engineers, United States Army.

Mr. SAULSBURY. Mr. President, that gives the statement of the case as I know it. Connected with the paragraph of the report which has been read is a complete history of this whole matter, showing when the pier was built, the circumstances, in so far as the War Department knows, of how it has been used and how it is used now. My object in having this read is to put the committee in possession of such facts as I have. That report is now in the possession of the Committee on Rivers and Harbors of the other House. I want this amendment to go in the bill, and I have no objection, under the circumstances, to accepting the amendment as the committee has proposed it for only \$10,000, with the understanding, as expressed by the chairman of the committee, that they may change it to such an amount as the report convinces them should be allowed.

Mr. SMOOT. Mr. President, I think the Senator ought to be advised that, in the opinion of a great many Senators, conferees have no power to increase the maximum amount put in a bill by either House. Whatever amount is provided in this amendment can not be increased in conference, but it may be decreased. In other words, the House having appropriated nothing and the Senate having appropriated \$10,000, the conferees will have power to fix an amount between nothing and \$10,000, but the conferees will have no power to increase the appropria-



tion over the amount fixed by the Senate, there having been no appropriations provided in the bill by the House.

Mr. SAULSBURY. Mr. President, I find there is a difference between two of the oldest Members of this body as to whether such action can be taken. I confess that I am not sufficiently familiar with the proceedings of conference committees or with the action this body and the other have taken in connection with such matters to express an opinion. It seems to me that the suggestion of the chairman of the committee in charge of this bill is a reasonable one, that where the Senate has incorporated in the bill a new amendment carrying an appropriation, if the conferees find that that amount is not sufficient, but they favor the amendment, the appropriation might be increased to carry out the evident purpose for which the appropriation is intended.

Mr. SMOOT. I will say to the Senator that that has not been the practice of the Senate; and I believe if the conferees will look up the precedents established by the conferees of both Houses for years and years back they will find that wherever there is an amendment added to a bill by either House inserting a new item of appropriation the amount of that item can not be increased in conference. It can be, as I have stated, decreased between the amount which the House provided and the amount provided by the Senate, but it can not be increased over and above the maximum amount proposed to be appropriated by the House which incorporated the amendment in the bill.

Mr. CLARKE of Arkansas. Mr. President, that rule would put limitations upon the legislative power of the two Houses which I do not think is justified by the Constitution. If the Senate should insert in the bill this item appropriating \$10,000, the House might conclude that the amendment was a proper one, but that \$10,000 was not sufficient to supply the facilities which the adoption of the project was intended to furnish, and they might insist that sufficient money should be appropriated to do effectively what we are attempting to do. There never can be any such limitation as that. The Senate conferees would be in no position to insist that the amount should be increased; I agree to that; but if the House agrees to the purpose of the provision, then they have a right to exercise their judgment as to how much money it requires to effectuate it.

Mr. SMOOT. But the Senate conferees must agree before a report can be made to either House.

Mr. CLARKE of Arkansas. If the Senate conferees were convinced that it was the proper thing to do, it would be their duty to accede to it.

Mr. SMOOT. I have been on a great many conference committees; but I will say to the Senator that if it happens that this amount is increased in conference, being a committee amendment inserted in the Senate, there having been no action taken on it by the House, it will be the first time that I have ever seen such an increase made since I have been in the Senate.

Mr. CLARKE of Arkansas. Therefore the most expeditious way to treat the matter is to increase the amount here to \$78,000. Then, I presume, the Senate conferees can agree to its reduction if the necessity exists.

Mr. SMOOT. There is no doubt about that.

Mr. CLARKE of Arkansas. Let that be the course, then.

Mr. SAULSBURY. May I ask the Senator in charge of the bill if he is willing to accept an amendment increasing the amount to \$78,000, stating at the same time—

Mr. CLARKE of Arkansas. I think that might be submitted to the Senate. I am not going to vote against it. It is a matter now that is under the jurisdiction of the Senate.

Mr. SAULSBURY. I only state that I shall be very glad to have the conference committee thoroughly examine this question, in view of the recent report from the War Department, and determine it. What their conclusion is will be entirely agreeable to me. I think this is a sufficiently important matter to place it within the consideration of that committee; and I hope there will be no objection to increasing the amount in this amendment, then, to \$78,000 and letting it go to the conference committee. With that understanding, I move that the \$10,000 be stricken out and \$78,000 inserted. I move that the amendment of the committee be amended in that fashion.

Mr. SMOOT. Mr. President, upon that I desire to say just a few words.

It seems to me this is a most extraordinary course for the engineers to pursue. This river and harbor bill was based upon and made in large part from last fall's report of the engineers just a few months ago. This is an item placed in the bill by the Senate committee for a certain project that a few months ago the Army engineers rejected and advised against. In the supplemental report just read there is no new information. It does say if certain things are done, then a certain amount should

be appropriated. We had better wait and see if those certain things are done.

I want to call the attention of the Senate to the regular report of the engineers and the conclusions then reached by the engineers, and let Senators judge for themselves whether there has been any additional light given to the Senate as to why this appropriation should be made.

Mr. KENYON. Mr. President, does not the Senator think that, perhaps, in the interest of economy, it would be well to accept this amendment, because if the debate runs on a few days more the Army engineers may raise this amount another \$75,000 or \$80,000?

Mr. SMOOT. They may do it, particularly if there is an urgent request from some Senator for an additional report as a basis for an increase.

Mr. SAULSBURY. Mr. President, as I am somewhat interested in this discussion, I wish the Senators would not have a conversation between themselves, but would speak loud enough so that we may hear them on this side of the Chamber.

Mr. SMOOT. I shall try to do so, Mr. President. I thought I was speaking loud enough to be heard all over the Chamber.

I will read a part of the engineers' report, and I want the Senators to follow it and see how closely it accords with the report that has been read from the desk to-day:

The pier has never been used to any extent for the interchange of commerce. It has been used occasionally as a landing place for vessels reporting at Lewes. The United States Lighthouse Establishment uses the pier as a place for the storage of buoys; the United States Life-Saving Service has a boathouse at a point about midway of the pier; and the United States Quarantine Service uses it occasionally for landing passengers. The pier was also used to some extent by the Engineer Department during the construction of the harbor of refuge in Delaware Bay from 1897 to 1901, but has not been used by this department to any extent since that time.

That is about the statement that was made in this additional report to-day. The engineers, when they made this report a few months ago, knew the conditions just as they existed and just as they are stated in this report, and this is their conclusion then:

It will require the expenditure of about \$10,000 to place the pier in a reasonable state of repair, but, for the reason that the pier is used so little, no work of maintenance is proposed at this time.

Now, Mr. President, we are not only asked to appropriate \$10,000 for this purpose, but that it be increased to \$78,000.

Mr. STERLING. Mr. President, does not the Senator from Utah think, in view of the further uses to which this pier may be put, as shown by the later report just read from the desk a while ago, that we would be justified at least in appropriating \$10,000 to keep the pier in reasonable repair?

I will say to the Senator that that is what appeals to me. Standing alone, and without this further report, I would have voted against this proposed appropriation of \$10,000; but in view of what is stated in this report as to the uses to which the pier may be put I believe that the pier should be kept in repair and an appropriation of \$10,000 made for it.

Mr. SMOOT. Mr. President, I can not agree with the Senator from South Dakota in his conclusion. The Army engineers, when the report was made a few months ago, knew the conditions and knew what this pier was to be used for just as much as they know to-day. There is some reason for this supplemental report. It is dated yesterday, a few days after the item was questioned on the floor of the Senate. It does seem to me that it is an absolute waste of public money. I am not going to say anything more about it. If the Senate wants to put in \$78,000 or \$178,000, or a million dollars, I know the opponents of this bill are powerless to prevent it.

Mr. CLARKE of Arkansas. Mr. President, in making the suggestion I did I thought that would reduce the question to be submitted to the Senate to the one question of adopting the amendment.

Mr. SMOOT. That is true.

Mr. CLARKE of Arkansas. I did not know that there would be any controversy as between the two amounts.

Mr. SMOOT. What the Senator says is true, that there will be no controversy then; but it will be in the power of the conferees to make an appropriation of \$78,000, and if we put it at \$10,000 we will certainly limit it to that amount.

Mr. CLARKE of Arkansas. I do not agree with the Senator about that; so I suggest to the Senator from Delaware that he withdraw his amendment for \$78,000, which provoked the controversy, and let us vote on the item for \$10,000. We will run the risk.

Mr. SAULSBURY. I shall be very glad to withdraw that amendment.

I want to say one more word in regard to this matter. Evidently the Senator from Utah is under the impression that there is no commerce at that pier. I was not sure as to how

many piers were in use in that harbor; but since the discussion this morning I wired a friend of mine, who is a prominent business man, inquiring how many piers there are in use at that harbor in addition to this iron pier, which is practically unused except by the Government. I have received from him this reply:

Three fish-house piers, one railroad, one iron.

Making altogether four piers in use in this harbor besides this iron pier, of which this iron pier can be made, at very small expense, the very best of all of them.

That may, I think, convey to the Senator from Utah some information as to some commerce going on there.

Mr. SMOOT. Oh, Mr. President, if the Senator thought I stated there was no commerce there, I think he is mistaken. I know that there are some fish piers there. The engineers' report calls attention to them. In fact, one of them adjoins this iron pier, so the report says. I simply say that if the iron pier were destroyed to-morrow morning, swept into the bay, it would make no difference to the commerce now there.

Mr. SAULSBURY. It is not used for commerce.

Mr. SMOOT. That is what I stated.

Mr. SAULSBURY. We are trying to get it in a position where it can be so used.

I think it is quite profitless to continue the discussion, so I think we might as well determine the question of the insertion of the amendment or leaving it out.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK], and therefore withhold my vote.

Mr. MYERS (when his name was called). Announcing the same transfer of my pair with the junior Senator from Connecticut [Mr. McLEAN] that I announced on the last roll call, I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from North Dakota [Mr. McCUMBER] to the junior Senator from South Dakota [Mr. JOHNSON] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GORE]. Not knowing how he would vote on this question, I withhold my vote. I will let this announcement stand for the day.

Mr. WARREN (when his name was called). I have a pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is not present, I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I have been informed that if present he would vote as I intend to vote. I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BECKHAM. Has the senior Senator from Delaware [Mr. DU PONT] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a general pair with him and withhold my vote.

Mr. GALLINGER. I am paired with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Idaho [Mr. BRADY] and vote "yea."

Mr. CLARK of Wyoming. I desire to ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator, and therefore withhold my vote.

Mr. CURTIS. Mr. President, if there is not a quorum present, I should like to be counted as present to help make a quorum.

Mr. CLARKE of Arkansas. I suggest that the Secretary call the names of absentees.

Mr. SMOOT. The result has not yet been announced.

The roll call resulted—yeas 33, nays 11, as follows:

## YEAS—33.

Ashurst	Culberson	Hollis	Martine, N. J.
Bankhead	Fall	Len, Tenn.	Myers
Brandegee	Fletcher	Lewis	Nelson
Chilton	Gallinger	Lodge	Oliver
Clarke, Ark.	Hitchcock	Martin, Va.	Phelan

Pittman  
Polinder  
Pomerene  
Ransdell

Saulsbury  
Sheppard  
Simmons  
Smith, Ariz.

Smith, Mich.  
Sterner  
Swanson  
Vardaman

Williams

## NAYS—11.

Husting  
Jones  
Kenyon

La Follette  
Norris  
Page

Sherman  
Smoot  
Taggart

Thomas  
Works

## NOT VOTING—52.

Beckham  
Borah  
Brady  
Brooksard  
Bryan  
Barleigh  
Catron  
Chamberlain  
Clapp  
Clark, Wyo.  
Colt  
Cummins  
Curtis

Dillingham  
du Pont  
Goff  
Gore  
Gronna  
Harding  
Hardwick  
Hughes  
James  
Johnson, Me.  
Johnson, S. Dak.  
Kern  
Lane

Lee, Md.  
Lippitt  
McCumber  
McLean  
Newlands  
O'Gorman  
Overman  
Owens  
Penrose  
Reed  
Robinson  
Shafroth  
Shields

Smith, Ga.  
Smith, Md.  
Smith, S. C.  
Stone  
Sutherland  
Thompson  
Tillman  
Townsend  
Underwood  
Wadsworth  
Walsh  
Warren  
Weeks

The VICE PRESIDENT. On the amendment of the committee the yeas are 33, the nays are 11. There are three Senators present and not voting. There is not a quorum present. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst  
Bankhead  
Brandegee  
Catron  
Chilton  
Clapp  
Clark, Wyo.  
Clarke, Ark.  
Culberson  
Curtis  
Fall

Gallinger  
Hitchcock  
Hollis  
Husting  
Jones  
Kenyon  
La Follette  
Lea, Tenn.  
Lippitt  
Lodge  
Nelson

Norris  
Oliver  
Owen  
Page  
Pomerene  
Ransdell  
Saulsbury  
Sheppard  
Simmons  
Smith, Ariz.  
Smith, Mich.

Smoot  
Sterling  
Taggart  
Thomas  
Tillman  
Vardaman  
Warren  
Weeks  
Works

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. CLARKE of Arkansas. I move that the Sergeant at Arms be directed to notify the absentees and to request their attendance. I understand that the Committee on Agriculture and Forestry is in session; and I move that the Sergeant at Arms be especially directed to notify the Senators present there that the Senate is in session, and that they are expected to give some attention to service here.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. LEWIS, Mr. MARTIN of Virginia, Mr. FLETCHER, Mr. SWANSON, Mr. PHELAN, Mr. JOHNSON of South Dakota, Mr. MYERS, Mr. KEEN, and Mr. WADSWORTH entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. CLARKE of Arkansas. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will proceed with the calling of the roll on the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. CURTIS (when his name was called). Repeating the announcement that I made before, I withhold my vote.

Mr. GALLINGER (when his name was called). Repeating the transfer that I made on the last roll call, I vote "yea."

Mr. MYERS (when his name was called). Announcing the same transfer of my pair as heretofore to-day, I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating my announcement on the previous roll call, I vote "yea."

The roll call was concluded.



Mr. CHAMBERLAIN. My pair having returned to the Chamber, I desire to vote. I vote "yea."

Mr. OWEN. Has the junior Senator from New Mexico [Mr. CATRON] voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I withhold my vote.

Mr. DILLINGHAM. Owing to the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote.

The result was announced—yeas 44, nays 10, as follows:

## YEAS—44.

Ashurst	Gallinger	Myers	Sheppard
Bankhead	Hitchcock	Nelson	Simmons
Beckham	Hollis	Newlands	Smith, Ariz.
Brandeggee	Johnson, S. Dak.	Oliver	Smith, Ga.
Chamberlain	Lane	Overman	Smith, Mich.
Chilton	Lea, Tenn.	Page	Sterling
Clapp	Lee, Md.	Phelan	Thompson
Clarke, Ark.	Lippitt	Pittman	Vardaman
Culberson	Lodge	Pomerene	Walsh
Fall	Martin, Va.	Ransdell	Warren
Fletcher	Martine, N. J.	Saulsbury	Williams

## NAYS—10.

Borah	Kenyon	Sherman	Works
Husting	La Follette	Smoot	
Jones	Norris	Wadsworth	

## NOT VOTING—42.

Brady	Goff	McLenn	Stone
Broussard	Gore	O'Gorman	Sutherland
Bryan	Gronna	Owen	Swanson
Burleigh	Harding	Penrose	Taggart
Catron	Hardwick	Poindexter	Thomas
Clark, Wyo.	Hughes	Reed	Tillman
Colt	James	Robinson	Townsend
Cummins	Johnson, Me.	Shafroth	Underwood
Curtis	Kern	Shields	Weeks
Dillingham	Lewis	Smith, Md.	
du Pont	McCumber	Smith, S. C.	

So the amendment of the committee was agreed to.

Mr. POMERENE. Mr. President, I wish to submit a conference report.

Mr. CLARKE of Arkansas. I can not consent to displacing the pending bill without the deliberate action of the Senate.

Mr. POMERENE. It is in order at any time.

Mr. CLARKE of Arkansas. It is in order at any time to present it, but not at any time to consider it.

Mr. POMERENE. If there is any discussion upon the report I will not press it.

Mr. CLARKE of Arkansas. With that understanding, I will not object.

## FRAUDULENT ADVERTISING IN THE DISTRICT OF COLUMBIA.

Mr. POMERENE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) entitled "An act to prevent fraudulent advertising in the District of Columbia," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 1 and agree to the same with an amendment by also striking out the article "a" at the end of line 13, page 1, so that instead of only striking out the word "fraudulent" the part stricken out should be "a fraudulent."

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment. The Senate amendment numbered 2 adds the following language to the bill "purchase any goods, wares, or merchandise or anything of value or to."

That amendment (No. 2) is amended by striking the word "purchase" therefrom and inserting in lieu thereof the words "sell, barter, or exchange."

That the House recede from its disagreement to the amendments of the Senate numbered 3 and 4.

That Senate recede from its amendment numbered 5.

JOHN WALTER SMITH,  
ATLEE POMERENE,  
W. P. DILLINGHAM,

Managers on the part of the Senate.

BEN JOHNSON,  
CARL VINSON,  
W. J. CARY,

Managers on the part of the House.

The report was agreed to.

## RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12193) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,

Mr. CLARKE of Arkansas. Mr. President, the next amendment is one offered by the junior Senator from Missouri [Mr. REED]. I do not see him in his seat. I will not undertake to dispose of it in his absence unless we get through with the committee amendments. I ask that that amendment be passed over for the present.

Mr. SMOOT. It is on page 32.

Mr. CLARKE of Arkansas. Inserting lines 3, 4, 5, and 6, on page 32. I ask that all the matter in italics in the paragraph beginning on page 33, line 6, down to the end of the paragraph may be read. That is a single amendment.

The VICE PRESIDENT. The amendment of the committee will be read.

The SECRETARY. On page 33, after the word "Mississippi," at the end of line 5, insert "and the Ohio River from its mouth to the mouth of the Cache River"; in line 7, after the word "which," to strike out "is" and insert "are"; and in line 16, after the word "action," insert "Provided further, That no part of the improvement of the Ohio River, with a view to the construction of locks and dams, shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission: *Provided further*, That a survey, with a report, shall be made by the Mississippi River Commission of the Atchafalaya River in accordance with the general plan of said commission for the improvement of the Mississippi River, and in making such survey and report, if in their opinion the improvement of the Atchafalaya is desirable, consideration shall be given and recommendation made as to any plans for cooperation on the part of local interests," so as to make the clause read:

Mississippi River from Head of Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement with a view to securing a permanent channel depth of 9 feet, \$6,000,000, which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, and which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, between Head of Passes and Cape Girardeau, Mo., and for surveys, including the survey from Head of Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That of the money hereby appropriated so much as may be necessary shall be expended in the construction of suitable and necessary dredge boats and other devices and appliances and in the maintenance and operation of the same: *Provided further*, That the watercourses connected with said river and the harbors upon it, now under the control of the Mississippi River Commission and under improvement, together with the harbor at Vicksburg, Miss., and the Ohio River from its mouth to the mouth of the Cache River, which are hereby transferred to and placed under the control and jurisdiction of such commission, may, in the discretion of said commission, upon approval by the Chief of Engineers, receive allotments for improvements now under way or hereafter to be undertaken, to be paid for from the amount herein appropriated: *Provided further*, That the report of the Mississippi River Commission, contained in House Document No. 667, Sixty-third Congress, second session, shall not be construed as a project requiring special congressional action: *Provided further*, That no part of the improvement of the Ohio River, with a view to the construction of locks and dams, shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission: *Provided further*, That a survey with a report shall be made by the Mississippi River Commission of the Atchafalaya River in accordance with the general plan of said commission for the improvement of the Mississippi River, and in making such survey and report, if in their opinion the improvement of the Atchafalaya is desirable, considerations shall be given and recommendation made as to any plans for cooperation on the part of local interests.

Mr. CLARKE of Arkansas. The paragraph ends there. The latter part of the amendment is simply for a survey. I did not notice that it was there. I take it for granted that there will be no objection to it, however.

The principal part of the amendment has for its purpose the extension of the jurisdiction of the Mississippi River Commission up to the mouth of what is known as Cache River, on the Ohio River. It seemed that the proximity of that locality to the Mississippi River in a way involves the levee system and bank protection that the Government has heretofore committed itself to, and that this is the most rational way in which to deal with the situation. The Chief of Engineers has now recommended that the jurisdiction of the commission be extended to that point.

I send to the desk his letter on that subject, which is self-explanatory. Let the Secretary read the letter.

The Secretary read as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, May 4, 1916.

HON. JAMES P. CLARKE,  
Chairman Committee on Commerce, United States Senate.

SIR: 1. Replying to your letter of the 3d instant, asking that I furnish for the use of your committee at its meeting this morning such information as my office may possess relative to the necessity for work to protect the levees between Cairo and Mound City, Ill., on the Ohio River, I have the honor to inclose herewith copies of reports received this morning from the district officer, Maj. George R. Spalding, Corps of Engineers, which contain the only information available.

2. With regard to Maj. Spalding's suggestion that the lower Ohio River be placed under the supervision of the Mississippi River Commission, I beg to say that I fully concur in this suggestion, with the understanding that it applies to levee and bank protection work only. To carry out this suggestion it would only be necessary to make the following changes in the pending river and harbor bill as it passed the House of Representatives.

On page 29, at the end of line 1, add "and the Ohio River from its mouth to the mouth of the Cache River"; in line 2 substitute the word "are" for the word "is"; and at the end of line 11 add "Provided further, That no part of the improvement of the Ohio River with a view to the construction of locks and dams shall be considered as transferred to or placed under the control and jurisdiction of the Mississippi River Commission."

If the matter is thus placed under the control of the Mississippi River Commission, the commission could make proper investigations and take such steps as may be necessary and proper to protect the levees. From Maj. Spalding's reports it does not appear that the matter is especially urgent—at least, that the entire work is not especially urgent—and if this is the case, the commission could allot to it as much of the funds appropriated as might be necessary, and this could probably be done without serious interference with the other work assigned to the commission.

Very respectfully,

W. M. BLACK,  
Chief of Engineers United States Army.

Mr. CLARKE of Arkansas. There are two other letters relating to the details of the project. It is not necessary to have them read, but I ask that they be printed in the RECORD in connection with this item.

The VICE PRESIDENT. Without objection, it is so ordered. The letters referred to are as follows:

WAR DEPARTMENT,  
UNITED STATES ENGINEER OFFICE,  
Cincinnati, Ohio, May 2, 1916.

From: The District Engineer Officer, First District, Cincinnati, Ohio.  
To: The Chief of Engineers, United States Army, Washington, D. C.  
Subject: Levees at Cairo, Ill.

1. The following copies of telegrams are furnished for the information of the Chief of Engineers:

"WASHINGTON, D. C., May 2, 1916.

"Kindly advise me by wire my expense, Cochran Hotel, if you consider immediate revetment work on Ohio River bank between Cache River and North Levee necessary to save levee embankment. If so, can you give approximate estimate of cost?"

"GEORGE PARSONS."

"CINCINNATI, OHIO, May 2, 1916.

"Regret can make no report Cairo levee work except on direct orders from Chief of Engineers."

"SPALDING."

2. Mr. Parsons is president of the Cairo Trust, which owns or controls the drainage district at Cairo. See map opposite page 2733, Report of Chief of Engineers for 1914. The Ohio River levee (8 on plat shown) was built by the drainage district.

3. While I have made no examination of conditions referred to by Mr. Parsons, at my last visit to Cairo he expressed anxiety as to this levee from erosion, and later wired me asking if I could not use some emergency funds to protect the bank. I replied that there were no funds available, and, in my opinion, congressional enactment would be necessary if the War Department was to do any work. There is no question but that bank protection would be a good thing, and is probably advisable. Whether it is in the interest of navigation is another matter. In this connection attention is invited to report of Col. Lydecker, dated December 7, 1903, printed as House Document No. 308, Fifty-eighth Congress, second session.

4. This information is furnished, as it is thought Mr. Parsons may visit the office of the Chief of Engineers in reference to the matter.

GEO. R. SPALDING,  
Major, Corps of Engineers,  
United States Army.

CINCINNATI, OHIO, May 3, 1916.

CHIEF OF ENGINEERS,  
Washington, D. C.:

Erosion of bank will in time, unless arrested, destroy Big Four Railroad embankment, which is part of drainage district levees. Bank protection desirable. Would cost couple hundred thousand. Might divert current for less. Examination at low water needed for proper report. Property to be protected is railroad and 7,000 acres farm land. Do not believe Cairo city or Mound City levees endangered, nor is danger to railroad embankment imminent. Advisability of placing these lower Ohio levees under supervision Mississippi River Commission is suggested. Hasty letter mailed last night.

SPALDING.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President—

Mr. CLARKE of Arkansas. The next amendment is associated with the same matter, and we will then go to the matter for which the Senator from Missouri rose.

The VICE PRESIDENT. The next amendment of the committee will be stated.

The next amendment was, on page 34, after line 3, to insert:

The jurisdiction of the Mississippi River Commission is hereby extended so as to include that part of the Arkansas River between its mouth and the intersection thereof with the division line between Lincoln and Jefferson Counties, and any funds which are herein or may be hereafter appropriated by Congress for improving the Mississippi River between Head of Passes and the mouth of the Ohio River, and which may be allotted to levees and bank revetment, may be expended under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, and upon like terms and conditions for levees and bank revetment upon any part of the Mississippi River now under the jurisdiction of said commission, and in

such manner as will best promote and accomplish the purposes for which commission was created, in so far as the territory hereby added to its said jurisdiction may be involved.

Mr. CLARKE of Arkansas. Mr. President, this amendment does not call for any additional appropriation. It simply extends the jurisdiction of the Mississippi River Commission so as to make it coextensive with the damage to be remedied by the creation of the commission. The levee in this locality extends from the mouth of the Arkansas River to the Red River. The flood line on the Mississippi River has increased in the last 10 years probably 6 or 7 feet. The levees on the Arkansas River will take care of an elevation of about 49 or 50 feet. The levees on the Mississippi River are designed to take care of the water up to the present high-water level, which is about 57 feet. The result is that the waters of the Mississippi River back up the Arkansas in times of overflow and come down behind the Mississippi front levee and overflows the vast section of the country in Arkansas and Louisiana. In addition, this backwater flow weakens the Mississippi River levee by saturating both sides of it, which is recognized as a great evil in levee maintenance.

The jurisdiction of the commission now extends up the Arkansas River to Red Fork. I am not entirely familiar with the exact number of miles. The purpose is to extend the jurisdiction several miles farther up the river, so as to make the zone of protection the same as that of the injury to be guarded against.

It was disclosed during the last high water, which was the highest in the history of the Arkansas Valley, that when the Mississippi River is at flood tide and the Arkansas River is also at its highest, that the water enters the basin south of the Arkansas several miles—I do not know the exact number—further up the Arkansas River than it was originally calculated it would do. The purpose of this amendment is to extend the jurisdiction of the commission so as to include that newly established limit of damage. It does not involve any new appropriation.

Mr. SMOOT. How many miles does it extend the jurisdiction of the Mississippi River Commission?

Mr. CLARKE of Arkansas. It would be a guess on my part to say, but I express the opinion that the added distance is not many miles beyond what is now under the jurisdiction of the commission. The commission when it comes to act will determine the exact boundary where its intervention is actively necessary.

Mr. SMOOT. That is, the Mississippi River Commission today has jurisdiction over a portion of the Arkansas River?

Mr. CLARKE of Arkansas. A very small part of it—up to what is called Red Fork, one of the landing places on the river by which the distances are designated.

Mr. SMOOT. It simply extends the jurisdiction of the commission to the point where the waters of the Mississippi do not get behind the levees on the Arkansas.

Mr. CLARKE of Arkansas. Substantially, yes. The commission always exercise a discretion in all matters coming before it. They do not expend money unless they find it necessary, and it is generally in cooperation with the local community. I repeat the pending amendment does not call for any additional appropriation.

The amendment was agreed to.

Mr. CLARKE of Arkansas. The Senator from Missouri [Mr. REED] has an amendment. It appears at page 32, lines 3, 4, 5, and 6, which he doubtless will explain to the satisfaction of the Senate.

Mr. REED. Mr. President, I think the best statement I can make of the facts is in a letter written by Mr. Glenn, who is himself a member of the Mississippi River Commission. I will read the letter. I will say in advance it will be noticed this item is only \$15,000. Mr. Glenn says:

LOUISIANA, Mo., May 12, 1916.

Senator JAMES A. REED,  
Washington, D. C.

DEAR SENATOR: In reference to matter of raising dike in the Mississippi River opposite Louisiana, Mo., the facts are as follows:

Some years ago the Government permitted the Chicago & Alton Railroad Co. to build an approach for a bridge from the Illinois side of the river below Louisiana, Mo., about 1,500 feet or more in length out into the river. A little later it permitted the railroad company to put in a large dike about 2,500 feet north of this approach above mentioned, extending into the river, for the purpose of throwing the current to the Missouri side to create deep water at the draw of bridge. Later the Government built a large dike 2,000 or 3,000 feet north of first-mentioned dike for this same purpose. The railroad approach and these dikes have caused the river on the Illinois side from the embankment north to fill with sand bars for 2 miles. The ferry for a number of years has been landing at the end of last-mentioned dike in low water. The Government extended and raised this dike for this purpose once, but the dike settled, and now when the stage of water reaches 7½ feet above low water (as per Government gauge at Chicago & Alton bridge) the ferry can not land on this dike, but must get into the shore through narrow chutes, and at last land against a



road embankment, which is extremely dangerous, and the landing is only made with much difficulty. This is a great highway for interstate automobiles and wagon traffic. From talks and correspondence it seems those in authority think the law which says that money appropriated "shall be used in aid of navigation," etc., means exclusively up and down stream, and not across the stream. The Government's action, stated before, caused this condition, and in justice should give some relief.

Yours, truly,

ED. A. GLENN.

I desire to present in this connection a letter from Speaker CLARK. Louisiana, Mo., is in Speaker CLARK's home county, and I read it not because of his importance as an individual but because he writes with a full knowledge of the facts.

THE SPEAKER'S ROOMS,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., May 13, 1916.

Hon. JAMES A. REED,  
United States Senate Chamber.

MY DEAR SENATOR: In connection with, or indorsement of, the letter from Col. Glenn, of the Mississippi River Commission, I hope it will be possible for the Senate to adopt an amendment to the river and harbor bill for raising a Government dike opposite Louisiana, Mo., in order to afford a suitable ferry landing.

There was originally an excellent ferry landing at all seasons of the year. About 40 years ago, however, the Chicago & Alton Railroad Co. was allowed to build an embankment on the Illinois shore in connection with their bridge across the Mississippi River at that point. Later the United States Government put in a big dike just above the railroad embankment straight out into the river.

The result of these dikes has been the practical destruction of the ferry landing at that point by the formation of continuous sand bars. When the river rises so as to make it impossible for the ferryboat to land at the end of the Government dike, it prevents the running of the ferryboat, which, at this point, is practically the only means of communication between Missouri and Illinois for miles up or down the river.

Farmers from a large section of Illinois find it necessary to go to Louisiana on business and the ferryboat is a real necessity to a great many.

An appropriation to raise the dike at this point so as to make a ferry landing possible would be a real and genuine aid to navigation, and would be a great convenience to a great many people on both sides of the river.

With kindest regards, I am your friend,

CHAMP CLARK.

Mr. President, those are the facts very briefly. The Government made this condition by virtue of having built or permitted the building of various dikes out in the river. This simply proposes to raise the Government dike so that it comes above the high-water mark. It is a very small appropriation and I hope it will be accepted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 35, line 12, after the word "maintenance," to strike out "\$1,200,000" and insert "\$1,500,000," so as to make the clause read:

Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, \$1,500,000.

Mr. KENYON. Mr. President, I hope before that amendment is agreed to that we may have some explanation of it. Of course it is a very small matter—only \$200,000; very trivial—but the bill carries for the Mississippi River from the mouth of the Missouri to Minneapolis as it came from the House \$1,200,000. That part of the river was allotted last year by the Army engineers \$1,000,000; in 1914 it was allotted \$800,000.

I realize, Mr. President, that the Mississippi River ought to be a great channel of commerce. It is the river that flows the entire length of my State, and I have received a great many letters condemning my attitude as to this bill from people along the Mississippi River in my State. I do not propose, as far as I am concerned, to vote for appropriations for the Mississippi River in order to get what my people may think they ought to have along there in a bill that carries with it so many other propositions that seem to me to be very indefensible. It does seem that at this time in the condition of our national finances, instead of increasing the appropriation for the Mississippi River from the mouth of the Missouri River to Minneapolis, it ought to be cut down at least to the amount which was proportioned last year and which seems to have carried on the work.

The Mississippi River has lost 90 per cent of its commerce in the last 40 years. We have expended approximately \$150,000,000 on the Mississippi River. There have been certain lands reclaimed. The expenditure has probably had an effect upon freight rates. If there is any channel in this country that could be developed for commerce, it would seem to be the Mississippi River. What are the cold facts about the commerce of that river? I want to put them into the Record as showing that the commerce on the Mississippi River has simply been running down; and while the commerce, according to the figures of the Army engineers, appears to be large, yet, when analyzed, when the brush is taken out, and the gravel and the sand and the logs and the lumber and the animals and the automobiles ferried

across the river are taken out, it is rather a small commerce on which to have expended this tremendous amount of money.

From the mouth of the Ohio to the mouth of the Missouri the bill carries \$350,000. We have heretofore appropriated \$17,351,469.85. The freight traffic for the year 1914 on that part of the river was 204,118 short tons. Of that, 6,079 short tons were transported 5 miles; of that, lumber comprises 5,683 short tons; logs, 46,202 short tons; coal, 2,780 tons, transported 5 miles.

As to the commerce from the mouth of the Missouri River to Minneapolis—and I want to refer just briefly to that commerce, for it would be expected, and it would seem, that there would be a large commerce on that part of the river—on page 2767 of the Army engineers report for 1915, it is stated:

Lumber: The lumber business, formerly of great magnitude on the river as connected with the movement of logs and lumber, has, owing to the destruction of the forests in Wisconsin contiguous to the Mississippi River and tributaries, dwindled so that in 1914 there was only a comparatively small quantity of lumber and lath floated from St. Croix River to Guttenberg and other points. The lumber cut at Minneapolis during 1914 was 89,873,200 feet b. m., but none of this product was floated on the river below the falls of St. Anthony, although it is believed that on completion of Lock No. 1 a large part of this product will find its way down river.

In 1914 on that portion of the river the traffic was as follows:

Upper Mississippi River freight statement for 1914.

Designation.	Short tons.	Ton-miles.	Valuation.
Rafted lumber and lath.....	13,211	4,482,868	\$169,114
Miscellaneous freight.....	1,132,574	15,472,577	40,900,063
United States material.....	281,185	2,115,662	254,864
Total.....	1,426,970	22,071,107	41,324,041

That would seem to be a large commerce, but on that same page of the Engineer's report there is classified this nearly a million and a half short tons of commerce. I ask to have that classified freight-traffic table inserted in my remarks, without taking the time of the Senate to read it.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The table referred to is as follows:

Classified freight traffic, 1914.

Articles.	Amount.		Valuation.	Average haul.	Ton-miles.
	In customary units.	In short tons.			
Brick.....	488,650 pieces.....	1,475	\$4,216	10.2	15,059
Brush.....	295,427 cubic yards.....	37,002	95,423	18.1	670,594
Cement.....	2,474 tons.....	2,474	24,413	7.6	18,732
Coal.....	18,678 tons.....	18,678	62,271	11.8	219,656
Corn.....	170,706 bushels.....	4,797	113,070	4.7	22,318
Farm produce.....	3,344 tons.....	3,344	100,335	6.0	20,110
Fish.....	6,783 tons.....	6,783	629,402	5.97	40,500
Gravel.....	116,745 cubic yards.....	178,017	88,624	11.5	2,024,850
Hay.....	1,641 tons.....	1,641	29,615	3.4	5,583
Lath.....	7,356,850 pieces.....	2,552	27,447	140.7	359,038
Live stock.....	61,803 head.....	21,502	4,234,927	1.2	25,780
Logs.....	2,627,221 feet b. m.....	8,853	64,296	22.5	199,073
Lumber.....	17,197,826 feet b. m.....	28,247	419,625	160.0	4,265,265
Merchandise.....	87,404 tons.....	87,404	24,672,790	67.8	5,926,745
Oats.....	59,845 bushels.....	959	85,400	1.4	1,397
Rock.....	194,791 cubic yards.....	261,805	182,656	8.9	2,339,702
Sand.....	403,257 cubic yards.....	599,558	195,102	4.4	2,623,769
Shells.....	10,186 tons.....	10,186	195,431	39.4	401,359
Shingles.....	550,000 pieces.....	56	1,665	4.1	231
Teams.....	20,240.....	30,201	5,206,900	1.0	30,732
Wheat.....	64,535 bushels.....	1,936	65,272	2.5	4,922
Wood.....	25,991 cords.....	41,885	121,888	16.1	673,312
Miscellaneous.....	77,615 tons.....	77,615	4,700,284	28.1	2,182,037
Total.....		1,426,970	41,324,041	15.5	22,071,107

Mr. KENYON. I wish, however, to call attention to the fact that of that traffic brush comprises 37,002 short tons, the average haul being 18.1 miles; coal, 18,678 tons, the average haul, 11.8 miles; cement, 2,474 tons, average haul, 7.6 miles; gravel, 178,017 tons, average haul 11.5 miles; live stock, 21,502 tons, average haul, 1.2 miles. Apparently the traffic is all across the river. Logs, 8,853 short tons, average haul, 22.5 miles; lumber, 28,247 tons, with a very much longer haul, 160 miles; rock, 261,805 tons, with a haul of 8.9 miles; oats, 959 tons, with an average haul of 1.4 miles; shingles, 56 tons, average haul, 4.1 miles; teams, 30,201 tons, with an average haul of 1 mile. And so on it goes.

For the year before the commerce on that portion of the river mounted to, logs, short tons, 64,489; rafted lumber, 13,570 tons;

miscellaneous freight, 1,294,864 tons; United States material, 772,392 tons; making a total of 2,145,315 short tons.

That seems to be a very large commerce, but when analyzed we find that of that commerce brush for river construction work constituted 82,450 tons; gravel dredged from the river, 398,179 tons; rock for river work, 708,066 tons; sand dredged from the river, 562,040 tons; logs, that are floated on the river and have been all these years, 98,268 tons; lumber and wood barged, 64,408 tons; animals ferried across the river, 55,322 tons; automobiles ferried across the river, which are put in as "commerce" by the Army engineers, 6,034 tons, making a total of that class of freight of 1,974,980 tons that could be floated in 3 or 4 feet of water and which was actually so floated, leaving less than 200,000 tons of commerce, which was hauled on an average not over a distance of 34 miles.

I merely put these figures into the Record. I do not know what is the matter with the commerce on the Mississippi River. There ought to be a great commerce there. We have spent enough on the Mississippi River, if we were doing this as a proposition for regulating railroad rates, to build a railroad on each side of that river, and that would be just as good a way to regulate the railroad rates.

Mr. SHAFROTH. Mr. President, will the Senator from Iowa yield for a question?

Mr. KENYON. Yes.

Mr. SHAFROTH. I should like to know whether or not there are discriminatory rates made by the railroad companies? There has been considerable agitation for a good many years about requiring railroad companies to charge no more for a short haul over the same line than for a long haul. I have always thought, especially as to the Mississippi River, that the lack of commerce upon our waterways was due very largely to the fact that the railroads charge such low rates to terminal points or to places near terminal points that they would sometimes transport freight almost at a loss and make it up by charging high rates to intermediate points. That condition, I can readily see, would hurt commerce very much upon any river; and it seems to me that there ought to be incorporated in this bill a provision to the effect that no charge shall be made by a railroad for a short haul greater than for a long haul over the same line of road. If that were the case, the railroads could not make up the losses which they sustain on the through freight by charging it up to the intermediate points, and thereby a river which is susceptible of navigation and of carrying a considerable commerce between the larger cities or towns would no doubt have a better chance to survive. I should like to ask the Senator whether or not he has examined that matter so as to see whether any of the appropriations in this bill are influenced by that consideration?

Mr. KENYON. Mr. President, I have given a good deal of thought, of course, to that subject. There is not any doubt about what the Senator says. In my judgment, it has much weight; and the truth is the railroads have done that very thing.

Mr. SHAFROTH. Then, why would it not be wise to put a provision in this bill to the effect that that practice may not be continued and prohibiting the Interstate Commerce Commission from allowing a charge for a short haul to be greater than for a long haul over the same line in the same direction?

Mr. KENYON. The Interstate Commerce Commission has that power now.

Mr. SHAFROTH. The Interstate Commerce Commission has it now; but if you make the law absolute, so that the railroads can not depart from it for the purpose of meeting competition or anything else, it seems to me it would be wise to do so. If that were done we would have river navigation and river traffic to a large extent in this country. I believe that is one of the things that has prevented the development of traffic on the rivers of the United States.

Mr. KENYON. I think that is true.

Mr. SMOOT. Mr. President—

Mr. KENYON. I yield to the Senator from Utah.

Mr. SMOOT. I desire to suggest to the Senator from Colorado that, in my opinion, the commerce on the Mississippi River will never grow much greater than it is to-day until there is freight in sufficient quantities up the river as well as down the river. It is impossible to make traffic profitable by river transportation or any other kind of transportation where there is freight only one way.

Mr. SHAFROTH. I should like to ask the Senator how it is that the railroads succeed in securing freight both ways and make great profits? Is it possible that steamboats can not secure the same kind of business?

Mr. SMOOT. It is possible, and it is a fact that they do not have it. The railroads traverse the settled portions of the coun-

try, either by the main line of the road or side lines, and reach every hamlet in the country.

There is an immense amount of freight upon the railroads, both going and coming, but upon the Mississippi River the freight obtained is that taken at the large centers of commerce in the Northern States and transported to the South, and there is little in the South to be transported up the river to be distributed at the points at which the down-river freight is loaded. It is impossible to make water transportation profitable under those conditions, and no matter how much money the Government of the United States spends on the Mississippi River it will never be a success, so far as transportation and commerce are concerned, until freight can be shipped both ways on the river.

Mr. SHAFROTH. Mr. President, if the Senator from Iowa will permit me, we have a number of railroads, for instance, the Illinois Central, which pretty nearly parallels the Mississippi River, and which extends in all directions on the line of that river from New Orleans to St. Louis and Chicago and clear up to Minnesota; and it seems to me that, if that road, with its numerous trains each day, gets sufficient traffic to make it pay each way, steamboats, with the natural advantages which they have, would of necessity be a paying proposition.

I believe that this is one of the important factors to be determined as to whether we can ever make the Mississippi River a successful highway of commerce. I want to call the attention of the Senator from Utah to the fact that we have had the same trouble out West. Our freight rates were such at one time that on shipments from New York to Grand Junction it was advisable to ship via San Francisco and back to Grand Junction. Even in recent years shipments have been made from New York to Salt Lake City and back to Grand Junction in order to get a lower freight rate than from New York to Grand Junction. It seems to me when those conditions exist and we have an opportunity in a bill to put in a provision that the railroads shall not be permitted to charge a higher rate for a short haul than for a long haul over the same line—and nobody, it seems to me, can contend that such a system is equitable—that we ought to do it, and I believe it will make our rivers carry a great deal more commerce than they do now.

Mr. SMOOT. Mr. President—

Mr. KENYON. I yield to the Senator.

Mr. SMOOT. I simply want to emphasize what the Senator from Colorado [Mr. SHAFROTH] has said in relation to the unjust freight rates charged to intermountain points by the railroads as compared with the freight rates to the Pacific coast, we will say. Years ago I had occasion to go to San Francisco to buy a few carloads of wool. I purchased the wool and went into the railroad company's office and asked what the freight rate was that day. I was told 75 cents a hundred. I said, "I have two or three carloads which I desire to ship." The railroad official asked, "Where do you want to ship them—to Boston or Philadelphia?" I said, "To neither place; I want to ship them to Provo, Utah." "Oh," said he, "the rate to Provo is \$2.25 a hundred." The distance from San Francisco to Provo, Utah, was not one-third of the distance from San Francisco to Boston, and yet the freight rate from San Francisco to Boston was 75 cents and the freight rate from San Francisco to Provo was \$2.25—two-thirds of the distance and three times the amount. That is only a sample of what we had to contend with for years and years in the intermountain country.

Mr. REED. Mr. President, will the Senator from Iowa permit me to say a word?

Mr. KENYON. I was about through, but I will yield to the Senator.

Mr. REED. On this particular point, I called the attention of the Senate several days ago not only to the inequalities of these rates, but to the fact that since the Panama Canal had been opened the roads have been allowed to readjust their rates to and from points where it is claimed the railroads come in competition with the water rates through the Panama Canal, with the result that a readjustment of rates is going on of such a nature that the discrimination against the interior parts of the country, to which the Senator from Utah [Mr. SMOOT] and the Senator from Colorado [Mr. SHAFROTH] have both adverted, is now pressed upon us in an aggravated form.

I repeat what I then said—that the early business of Congress must be to meet this situation. There are two ways to meet it, probably—one by the creation of water competition, which would result in a readjustment of rates based upon the new water competition; the other by legislative enactment, which may or may not be an easy task to accomplish. I say now that I intend in the very near future to introduce a bill affecting the long and short haul clause; but, so far as this bill



is concerned, I do most earnestly call the attention of the Senator from Iowa to the fact that whenever there is a river transportation, however small it may be, it affords a basis for adjustment of railroad rates upon the basis of water competition so that you may actually have a condition of substantially little river transportation, and yet that little river transportation may result in the making of railroad rates so that the general benefit to commerce is almost inestimable. And at this particular time, when the great central part of this country, in which the Senator's own magnificent State lies, is confronted by not only a potential or prospective but by an absolute discrimination and disadvantage because it is alleged to be without water competition, every man ought to give himself pause who represents that part of the country and who does anything to prevent the creation of a water competition.

I have taken longer than I intended, but I want to add one word. I want to illustrate the situation.

Since the Panama Canal has been opened, the railroads having their termini on the Pacific coast at harbors touched by boats have claimed that the long-and-short haul clause of the interstate-commerce act should be set aside as to those points because of this competition by water, and the Interstate Commerce Commission in several cases has ruled with the contention of the roads, the result being that goods can now be shipped from the Atlantic coast to the Pacific, then into the interior, and I believe I speak by the card when I say farther into the interior than the State of Utah, represented by the Senator who has just spoken [Mr. Smoot], even on almost to the Mississippi River, cheaper than those goods can be shipped directly across the continent to the same point. That would not be true to so great an extent if the representatives of that territory could go before the Interstate Commerce Commission and show a water competition at that point, and insist upon rates being based upon the water competition.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. REED. I do.

Mr. THOMAS. I merely wish to remind the Senator that the condition he describes is not something that has occurred since the opening of the Panama Canal. That situation the people of my section of the country have been suffering from for over a quarter of a century. It is not due to any new condition created by the completion of the Panama Canal. It is an old sore, and is getting worse, instead of better.

Mr. REED. But, Mr. President, if the Senator will pardon me, I think he did not hear all of my statement.

Mr. THOMAS. Yes; I heard it all. I may have misunderstood it.

Mr. REED. The condition to which the Senator refers has existed for many years. In order to meet that condition, there was placed in the interstate-commerce law a provision that more should not be charged for a short haul than for a long haul; but at the same time the power was vested in the Interstate Commerce Commission, whenever it found as a fact that there were competitive conditions rendering it desirable or necessary—I do not quote the exact language, but my recollection of it—the Interstate Commerce Commission could set aside the long-and-short haul clause.

What I am calling the attention of the Senate to is this: Since the building of the Panama Canal, the railroads in a number of cases have obtained rulings from the commission to the effect that ports on the Pacific coast where steamships also run are these competitive points within the meaning of that act, and they have set aside the long-and-short haul clause by a direct order; so that the condition to which the Senator from Colorado adverts is being aggravated, and the necessity for some action is manifest.

I say to the Senate that under those conditions I think we ought to be trying to build up a commerce on these rivers. Even if the commerce on the rivers be not so great as apparently to pay for the investment, yet, in estimating the real benefit, you must take into consideration the fact that railroad rates to points where there is water competition are cut enormously; so that the right estimate and the just estimate is not dependent merely upon the commerce upon the river but upon the saving upon all of the commerce to and from the points in question.

I say to the Senator now that the business upon the Missouri River which has sprung up there in the last few years has had the effect of reducing railroad rates and of enabling escape from raises of railroad rates. Always we are able to claim and to show an actual river competition. And now I say again to the Senator from Iowa, whom I regard as one of my best friends, and whom I also regard as one of the best men in the Senate, that

if he will but put his shoulder to the wheel and help us, we can place the upper Missouri as far at least as Sioux City in such condition that his great State will receive the benefit of railroad rates based upon this water competition.

Mr. KENYON. Mr. President, the discussion, of course, is interesting. We have been discussing this matter off and on here for a number of days. My State, I think, has been a sufferer from discriminatory railroad rates perhaps as much as any State in the Union. We have the Mississippi on one side of us, and that is made a basic point. We have the Missouri on the other, and that has been a basic point also to some extent. But now take just what the Senator says: Are we not down to the question of regulating railroad rates (1) by water competition, or (2) by proper legislation?

I am willing to join the Senator in any effort to get legislation; or, if the other is the only way, and I should want to think a good while about that, because of the great expense attached to it, I might join him along that line. I do not agree it is the only way. If we say we must have water competition to regulate railroad rates, then do we not confess Congress to be incompetent to formulate laws which will regulate them?

When I first came to the Senate I introduced a bill to give the Interstate Commerce Commission power to fix a minimum rate. It seemed to me the commission should have that power. They could determine then that railroads should not make less than a certain rate, and thus prevent them from reducing their rates in order to drive out water competition.

There is another view that comes to my mind from the suggestion of the Senator. Along the Missouri River and along the Mississippi River, with those as basic points, the rates are reduced, and the people along those rivers get the benefit of those rates. The railroads, I assume, under the law are entitled to earn a reasonable return upon the investment. Now, if the rates are made to the people along these rivers for this lesser amount, somebody has to make up that. The people in the interior, who can not have the river transportation, must pay this additional amount to make up what the river points are gaining.

It has always seemed to me that there was an element of injustice in that. Just as in the Panama situation, which the Senator cites, the people in the interior must pay to make up for the reduction in the rates granted to the ports along the ocean by reason of the Panama Canal. All the people are compelled to contribute to dredge or canalize rivers, and then the people along the rivers get the benefit of rates brought about by the contributions of all the people. We may well ask ourselves if that is fair.

So the whole subject is one of such seriousness that I have doubted if we were ever going to solve it until the Government was compelled, possibly, to take over the railroads. I am not ready as yet, however, to accept that as the only alternative. If we had a situation like Germany, the problem would be a different one. They have handled it because they compel the railroads to cooperate with the waterways, and they do not permit them to make rates that will drive the commerce off of their streams. The Government owns both railways and waterways.

Mr. SHAFROTH. Mr. President, does not the greatest evil that exists in this matter arise from the fact that the railroad companies, when there is any movement in the way of forming companies for navigation on these rivers, make the rate at these terminal points or at these large points so low that when the navigation company examines into it its officials conclude that they can not make any money at that rate, and consequently they do not build their steamboats to go on the rivers? The result of it is, that after that occurs and the movement has subsided, then the railroad companies, to a large extent, reestablish the higher rates.

There is something very peculiar about this interstate commerce law. I do not know whether Senators have ever examined the wording of it or not; but the wording of it is that no higher charge shall be made for a short haul than for a long haul over the same line, in the same direction, for persons and other like property.

Mr. KENYON. Under the same circumstances.

Mr. SHAFROTH. Yes; but the language is, "persons and other like property." What does that mean? What is "like property" to persons? Of course it would be impossible to charge a person going to a given place a higher rate for a short haul than for a long one, because he would get off the car. Since they have put in those words, "persons and other like property," I believe there would be a great contest as to whether there is anything whatever of a restriction upon the railroad

companies to keep them from charging a greater sum for a short haul than for a long one.

If the railroad companies lose money by coming into competition with rivers and harbors, then it seems to me they have no right to make it up from the people living in the interior. Besides that, it seems to me that when they attempt to control that traffic in that manner it has an effect that is exceedingly bad on the interior of the country and upon these intermediate points.

There is no reason why the railroads should run in competition with boats on rivers any more than what is reasonable. The idea that discrimination should be given to the railroads to the extent of permitting them to lose money in order to get freight at a certain point where there is river competition is untenable. The river boats have to live and should be permitted to live; and you are not going to have fair traffic conditions on the rivers unless you permit them to live by a law that will compel the railroad companies to charge no more for a short haul than for a long haul over the same line.

Mr. WILLIAMS. Mr. President, when the interstate-commerce act originally passed the House of Representatives, and was called then by the name of a distinguished Senator from the South, it conveyed a provision, absolute and unconditional, that under no circumstances should more be charged for a short haul than for a long haul. It reached the Senate of the United States, and when it came here the seemingly very innocent words "under similar conditions" or "under similar circumstances"—I have forgotten which; "similar conditions," I believe, was the language—were introduced. That language was then construed to give a discretion, and that discretion was exercised in this way: It was decided that when a railroad was subjected to water competition it had a right to meet that competition by lowering its rates to the river or lake or seacoast point to the rate at which it could get its share of the traffic.

Now, "its share of the traffic" meant nothing. That meant the point at which it could get the traffic, because if a railroad can give you the same rate that a watercourse can, the railroad has the advantage of delivering the product very much more quickly. So "at the same rate" it has an advantage, and the shipper, of course, took the railroad rather than the watercourse.

Mr. President, that law was afterward changed, and was expressed as the Senator from Colorado [Mr. SHAFROTH] a moment ago quoted it. It became still more vague, still more indefinite, and added, if anything, still more discretion to the rate-fixing power.

I have said once before upon the floor of the Senate and I have said several times at the other wing of the Capitol that you will never under the sun escape the evil of sacrificing freight rates at all the interior points to seaports and termini rates until you go back to the original idea that under no circumstances must railroads ever charge more for a short haul than for a long haul, except on goods billed for export and not subject to stop in transit.

The result of the present law is that you sacrifice all interior commerce—you make the rates that the railroads charge in competition with watercourses less than the cost of the service—and the railroads must necessarily recoup their losses on long hauls by charging an increased price for interior traffic. The consequence of the discretion lodged with the Interstate Commerce Commission has been that the entire commerce of the Mississippi and Ohio Valleys and the Rocky Mountain States of the country has been sacrificed to the building up of New York, Baltimore, Philadelphia, Norfolk, Savannah, Charleston, New Orleans, San Francisco, and whatsoever ultimate destinations of commerce there may be. While the railroads carry for cost or for less than cost their freight between New York and San Francisco they must make it up by an increased cost from San Francisco to Denver and from New York to Denver, and while they carry it for less than cost from New York to New Orleans to meet the freight rates around Cape Hatteras, and even around Florida, which ordinarily would be cheaper by water rate than they are, they make up by the freight rates which they charge from Crystal Springs or some other place along the road to some other equally unrecognized point intermediate and not final.

There are places in the State of Mississippi, or there were a few years ago, and I suppose are yet, where you could carry a bale of cotton for \$1.25 to New Orleans because it was a river course, although the bale of cotton was not carried on the river but was carried on the railroad, and where 12 miles out a shorter distance, 50 miles out a shorter distance, 75 miles out a shorter distance, the freight rates were greater because the point of departure was off a watercourse. Twelve miles out from the river it was \$3.50 instead of \$1.25.

That has been the system. In other words, you have chosen deliberately to sacrifice the interior commerce of the United States to the commerce between the termini. You have done that deliberately. The law does it.

Now, what is the consequence? The railroads are congested. They can not carry the freight. Their charges from terminus to terminus are very cheap as compared with all European countries. So that half of the argument that our railroad men make over here in behalf of our system as against those abroad are based upon these reductions of averages that come from rates from water terminus to water terminus. But if you take the interior commerce, 100 miles, 200 miles, 500 miles from places which have no water competition, you have the highest freight rates in the world. The average is false if by it is meant to be spelled the general welfare and the price of transportation of the goods of the people. You are sacrificing the people who live in the interior of the country to the people who live upon the seacoast, or else you are sacrificing the people who live in the Middle West off of the river courses to those who live upon the rivers and the lakes.

Thus you not only have created a congestion of the freight business for the railroads, but you have created a vacuum of freight business for the river. Why? Because you permit that railroad, regardless of what it has to recoup upon intermediate points, to make its freight rate from water terminus to water terminus so cheap that a man dares not build a river boat and put it in the business, for if the railroads temporarily lower their freight rates, which they can not do now overnight as they used to, but which they can still do after notice, the boat goes out of business. Then if a man attempts to build a boat to put in the trade he has not been in a week or two before, the railroad can go to the Interstate Commerce Commission and get permission under this discretion granted to meet the boat rate, and the minute it meets it equally the boat can not compete, because the boat can not deliver as quickly.

I have heard a lot said here about the German efficiency, and a lot of it has disgusted me, because there is no peculiar German efficiency over and above ours or over and above that of other countries. There is a very efficient class in Germany, and that is the governing class. The masses of Germany are less well prepared than we, or the English even, are to meet the problems of the world. The élite, the people who do the thinking, the professors, the men who do the leading, and the German at the moment of his birth is seeking a leader, while the American at the moment of his birth is seeking to be a leader—the men who do the leading are very much more efficient than we are. The Government as a government is more efficient. The people as individuals are less so. We are their superiors in enterprise and in courage and in intellect; but, notwithstanding that, there are some things about the German Government in connection with this question that appealed to me as a matter of opinion.

Mr. SHAFROTH. Mr. President—

Mr. WILLIAMS. Wait a minute. Under the "iron-and-blood" rule of Bismarck and the men who followed him when they came to building up the commerce of Germany, they laid down the iron-clad rule that under no circumstances should the charge made for a short haul exceed that made for a long haul going on the same line and in the same direction.

Mr. SMOOT. Unless for exportation.

Mr. WILLIAMS. Unless for exportation; the Senator is right; but that has nothing to do with this particular question. That is a matter relating to foreign relations, and I have acquired the habit of driving directly at the point, and I frequently forget to condition things so as to include everything or to include the branches that grow out of the tree when I am talking about the trunk.

They made the ironclad rule that under no circumstances should the charge made for a short haul in the same direction on the same line exceed that for a long haul. What is the consequence? When I was a boy in Germany, the Rhine carried steamers like the Hudson now carries tourists and passengers from New York to Albany. The Rhine carried up steamers from Cologne to Coblenz to Mainz and all the way as far as navigation went, to Mannheim, and somewhat beyond. Mannheim was a little, sleepy village; it amounted to nothing. I do not remember it except for the fact that we went down there once to hear some magnificent Wagner opera. That is about all it then amounted to. Mannheim to-day is one of the chief commercial cities of Germany. The entire Rhine is lined from way above Mannheim, mighty near to Schaffhausen, clear down to Rotterdam beyond the German boundaries with freight ships, doing what? Carrying lumber, iron ore, the heavy products concerning which the matter of expedition of freight is a secondary consideration, while the railroads on both sides of the Rhine, on the left and on the right, are full of the other sorts



of freight that are carried. The railroads are never congested, because when it comes to the coal and the iron and the lumber and the locomotives and the harvesting machines and the great, heavy slow freight the river carries them.

Now, here in the United States is the great Mississippi River. The Rhine is a mere pigmy in comparison with it. If you look at two drawings on the same scale and the Mississippi was that big [indicating], you could not see the Rhine at all in breadth and you could hardly see it in length. From St. Paul down to New Orleans if there is a through freight boat I do not know it. There are boats from Cairo to St. Louis. There are boats from Memphis down to the mouth of the St. Francis, the White, and the Arkansas. There are boats from New Orleans up the Red River and running out; but there are no through freights on the Mississippi River any more. Why? Because if you had \$5,000,000 and wanted to put it into those boats the railroads, under the permission given by law, would bankrupt you in six months, and if you had any sense you would not enter the arena. If you have not much sense, and generally in that case you have not much money, either, you build one or two boats and you undertake the venture, and at the end of a week or two you are out of the business.

I have known in my experience not less than 12 boat lines originating from the tributaries of the Mississippi organized to travel up to St. Louis and down to New Orleans which have been bankrupted in less than a year. Now and then I have seen the merchants of a neighborhood gather together and say, "These railroad rates are extortionate; we want river transportation." Then after a little while the P Line, as my friend from Arkansas remembers, or some other line of these I remember, has gone out of business. It has to go out of business.

Senators, I do not care whether you dig a channel 14 feet deep from the Lakes to the Mississippi or not; unless you change this law you will never have commerce upon the river. That does not mean that equipping the river for carrying cheap commerce does not benefit the people. It benefits the people by making the railroads at all river points, at any rate, reduce their freight rates. But you never will get rid of the great evil of a congestion of freight upon the railroad and paucity of freight upon the river unless you go back to the present German principle and the original American Regan principle, which is an ironclad rule that under no circumstances shall the freight for a short haul exceed that for a long haul.

Mr. SHAFROTH. Mr. President—

Mr. WILLIAMS. One minute. I have been told, though I have not examined it, that the ordinary freight rate from New York to Denver—I was told the other day—is the ordinary freight rate from New York to San Francisco plus the rate from San Francisco back to Denver. Is that so?

Mr. SHAFROTH. No; I do not think it is that much. There was a time when Grand Junction, in our State, was the point; but I do not think that that is the case now.

Mr. WILLIAMS. The Senator says it is not quite true now. It is approximately true, is it not?

Mr. THOMAS. It is very much more than the through rate to the coast.

Mr. WILLIAMS. So it is approximately true.

Mr. President, then, under the present system none of our work in improving watercourses can do any good except to prepare a passageway for freight when we have sense enough to change the law. I am in favor of this provision because I am in favor of preparing the passageway beforehand.

Mr. THOMAS rose.

Mr. WILLIAMS. Now, if the Senator from Colorado will pardon me—

Mr. THOMAS. I was going to remind the Senator that the mere imposition by the German Government of a rule prohibiting the railroads from making discrimination between a long and a short haul does not meet the difficulty. The Senator overlooks the fact, for the moment, of course, that in Germany the Empire owns the railroads and fixes a price for heavy freight that is practically prohibitive, thus forcing that class of transportation upon the river.

It also, being the owner of the railroads, builds great terminal facilities, so that railroads and the water lines can interchange their traffic. In other words, the Government, through Government ownership, requires and carries out a policy whereby land transportation and water transportation are correlative; they do not compete together; they form a great system.

I am sure the Senator will have to go further than the mere prohibition of a difference between the long and the short haul before he can bring about the result which we all desire so much; in other words, until we practically control by some means the system of land transportation, and by our control compel them to cooperate with instead of opposing our lines of rivers

and harbors. Until that is done we are never going to have any water traffic to amount to anything.

Mr. WILLIAMS. I think the Senator from Colorado is in error. The rate fixed upon the railroads and the rate fixed upon the watercourses determine the division of the freight regardless of the ownership of either. While our Government does not own the railroads it has reserved the power to fix the rates through the Interstate Commerce Commission, and if it will fix the rates so that they shall be fair and nondiscriminative—they are discriminating now in favor of the seaport and lake and river termini—then necessarily it will follow that watercourses will carry the heavy freight where time is not the essence of the contract and the railroads will carry everything else.

Now, as to joint freight between the two, where it is necessary to change from a railroad to a watercourse and from a watercourse to a railroad, whatever troubles we have with that proposition now are not troubles with regard to watercourses which are intervening, but troubles with regard to railroad freight rates, which I discussed. In Germany while the German Government owns the railroads it does not own the boats upon the Rhine; it never has owned one. The trouble is demonstrated to be with the railroads and not with the boats.

Mr. CLARKE of Arkansas. May I ask the Senator from Mississippi whether it would suit him to resume his remarks to-morrow and let us take a recess now?

Mr. WILLIAMS. I am through and have been for some minutes.

Mr. CLARKE of Arkansas. I am not complaining at all.

Mr. WILLIAMS. I understand. I know the Senator from Arkansas is too polite to complain unless he had a real grievance.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House had passed a bill (H. R. 14771) granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River, in which it requested the concurrence of the Senate.

#### PETITIONS AND MEMORIALS.

Mr. JONES presented petitions of sundry citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TAGGART presented the memorial of Joe R. Ray and 39 other citizens of Indianapolis, Ind., remonstrating against appropriations for sectarian purposes, which was ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Dallas, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Hood River County, Oreg., praying for an investigation into the price of

sugar, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which were ordered to lie on the table.

Mr. WARREN presented a petition of the Uinta County (Wyo.) Branch of the Congressional Union for Woman Suffrage, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Allegheny County, Pa., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called ship-purchase bill, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 1936, United Mine Workers of America, of Branchdale, Pa., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. PHELAN. I beg to present to the Senate a telegram and correspondence in the nature of a memorial by the most representative American Irish society of San Francisco, which carries on the traditions of such societies as the Friendly Sons of St. Patrick, organized in Revolutionary days, of which George Washington himself was an honorary member. I have received many communications on the subject, but I have singled this one out with my reply, as indicating the condition of public sentiment, so far as these societies and our fellow citizens of Irish extraction are concerned. I consider their plea worthy the attention of the Senate of the United States. I ask that this correspondence may be printed in the Record and referred to the Committee on Foreign Relations.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Telegram.]

SAN FRANCISCO, CAL., May 19, 1916.

Hon. JAMES D. PHELAN,  
United States Senate:

We have sent the following telegram to President Wilson. Will you, as a fellow member of the Knights of St. Patrick, kindly request him to give it early consideration:

"The Knights of St. Patrick of San Francisco, an organization composed of American citizens, now in the forty-second year of its existence, respectfully requests that you request the British Government to exercise all possible clemency in behalf of Irish prisoners who are now or who may hereafter be under arrest in connection with the recent uprising in Ireland to the end that secret trials and secret executions and severe sentences of imprisonment may cease. This request is made on behalf of numberless American citizens whose ancestry, like your own, is Irish. In behalf of American friends and relatives of those concerned in the Irish uprising and as Secretary of State, John Sherman, in the protest of the United States to Spain against reconcentration in Cuba in 1897, said: 'In the name of common humanity.' As precedents which justify your friendly interposition in the present emergency, we would cite the letter of Thomas Jefferson, Secretary of State, to Gouverneur Morris, minister to France, in 1793, requesting the release of Gen. Lafayette from imprisonment; the action of President Fillmore in 1851 in conveying Kossuth in an American war vessel from Turkey to the United States; the communication of Secretary of State Seward, in 1867, to Mexico, in behalf of clemency for Maximilian; the communication of Secretary of State Fish, in 1872, to Spain, protesting against the death penalty being inflicted upon Cuban insurgents; the action of President Grant, in 1867, in obtaining a mitigation of the capital punishments of those convicted in the Canadian courts in connection with the Fenian uprising; the representations made by President Grant to England, in 1867, in behalf of the Irish prisoners in the Manchester case; and the numberless requests made by various Presidents of the United States to Russia for clemency in behalf of her Jewish subjects. The only offense of the Irish revolutionists was the same aspiration for liberty which inspired Washington in the American Revolution. The extreme and unusual severity of their secret executions and imprisonments has deeply stirred and saddened the millions of American citizens who are proud of their Irish blood and who sympathize with every nation which strikes for liberty."

ROBERT P. TROY,  
President Knights of St. Patrick.  
RICHARD C. O'CONNOR,  
Chairman Board of Trustees.  
JOHN MULHERN,  
Corresponding Secretary.

MAY 22, 1916.

Mr. ROBERT P. TROY,  
President Knights of St. Patrick,  
703 Market, San Francisco.

MY DEAR MR. TROY: Your telegram of May 19, concerning presidential protest to England in behalf of Ireland, is received. I desire to say I am in full sympathy with your action, and have already communicated with the President. Protests have been made

in several cases where the lives of American citizens of Irish birth have been in peril. Last Thursday night the President sent such a protest in the case of Lynch, a citizen of New York, at the instance of Senator O'GORMAN, and the day before I had a personal interview with Hon. Robert Lansing, Secretary of State, and Hon. Frank L. Polk, the counselor of the Department of State, urging that representations be made on the general subject.

Majority leader, Senator JOHN W. KERN, introduced a resolution in the Senate which I am supporting, requesting the State Department to formally act.

I am sure that the administration will do everything in its power to carry out the wishes of the Knights of St. Patrick.

Very truly yours,

JAMES D. PHELAN.

MAY 22, 1916.

To the PRESIDENT,  
The White House.

MY DEAR MR. PRESIDENT: I have received a telegram from the Knights of St. Patrick, of San Francisco, communicating the one that they sent to you. They request me as follows:

"Will you, as a fellow member of the Knights of St. Patrick, kindly request the President to give early consideration to the telegram which we have sent him?"

It is requested that this Government make representations to the British Government to the end that it shall exercise all possible clemency in behalf of Irish prisoners, to stop secret trials and secret executions, and to resort to the courts of law to determine the guilt or innocence of the parties and the measure and nature of the punishment, if any is decreed.

American citizens of Irish birth have been arrested and held without trial; and there are reports that one such citizen has been condemned by court-martial to capital punishment. In reinforcing the sentiments of the Knights of St. Patrick I can not too strongly urge that you comply with their request.

You have in the name of humanity protested to other foreign Governments against the recklessness of power. "The divine right of revolution" is inherent in every people; our independence was won under the leadership of that "immortal rebel," George Washington. It is true that those who fall in such an enterprise expose themselves to trial for treason. The Revolutionary fathers were all traitors in the eyes of the English law, but patriots in the eyes of the world.

"No treason succeeds, and what is the reason?"

For when it succeeds, who dare call it treason?"

There is no excuse for treason in America, because the people are the sovereign and under the Constitution have a lawful and effective means of expressing their views. This is the right for which the unconquerable spirit of the Irish people has contended for centuries. It was conceded by Mr. Gladstone and recently by the present ministry of England. Its accomplishment was met with armed resistance on the part of the people of the north, by mutiny among the troops and insubordination among the officers of the British Army. This doubtless led to the futile attempt to accomplish by force what Parliament and the ministry had abjectly failed to establish by law. Well might the Irish patriots, having but the single and sincere purpose to redeem their country, come to the conclusion that there was no remedy which did not involve the employment of force.

The poets, who have been described as the "unauthorized legislators of the world," had long taught them "Hereditary bondsmen, know ye not who would be free themselves must strike the blow."

I personally felt the same emotion when I read of the shooting of Pearce and his brave and patriotic associates that I experienced when I read of the secret execution of Ferrer, the Spanish patriot, who had conspired in some way against the King. Patriots are killed because they have no means within the constitution to remedy intolerable conditions, and hence they are compelled to resort to conspiracies and overt acts. It is not a matter of choice. If constitutional rights are accorded them, there will be no need of violence.

We can not as Americans look with indifference upon these events, because if our emotions do not respond under such circumstances our own liberties and independence are in danger. We will have failed of our appreciation of those things for which our American revolutionists died.

Therefore, I repeat, in the name of humanity and liberty you should protest against these practices which all history, modern enlightenment, as well as political sagacity, condemn. From whatever point of view they are regarded, these executions can only be classified as crimes or as blunders. I am,

Respectfully, yours,

JAMES D. PHELAN.

Mr. PHELAN presented a memorial of sundry citizens of Sawtelle, Cal., remonstrating against the proposed creation of a juvenile court in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Calistoga, Cal., remonstrating against the enactment of legislation for compulsory Sunday observance in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Ladies' Auxiliary, Ancient Order of Hibernians, of Los Angeles, Cal., and a memorial of the County Clare Association of California, of San Francisco, Cal., remonstrating against the execution of Irishmen connected with the recent revolt in Ireland, which were referred to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the bill (S. 1792) for the relief of settlers on unsurveyed railroad lands, reported it with amendments and submitted a report (No. 470) thereon.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 15048) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 471) thereon.



He also, from the same committee, to which was referred the bill (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 472) thereon.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes, reported it with amendments and submitted a report (No. 473) thereon.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAGGART:

A bill (S. 6088) granting an increase of pension to George D. Mitchell (with accompanying papers);

A bill (S. 6089) granting an increase of pension to Jesse O. Banion (with accompanying papers);

A bill (S. 6090) granting an increase of pension to Noah Sage (with accompanying papers);

A bill (S. 6091) granting an increase of pension to George Yeager (with accompanying papers);

A bill (S. 6092) granting an increase of pension to James M. Beeber (with accompanying papers);

A bill (S. 6093) granting an increase of pension to Jacob A. Stewart (with accompanying papers);

A bill (S. 6094) granting an increase of pension to Pollard McKenney (with accompanying papers);

A bill (S. 6095) granting an increase of pension to Francis M. Pierce (with accompanying papers);

A bill (S. 6096) granting an increase of pension to Hymelius Mendenhall (with accompanying papers);

A bill (S. 6097) granting an increase of pension to Elzira Vanhoy (with accompanying papers);

A bill (S. 6098) granting an increase of pension to Alfred McFeely (with accompanying papers);

A bill (S. 6099) granting an increase of pension to Elijah Kessler (with accompanying papers);

A bill (S. 6100) granting an increase of pension to Charles Wilkinson (with accompanying papers);

A bill (S. 6101) granting a pension to James M. Brown; and

A bill (S. 6102) granting an increase of pension to Theodore Luther; to the Committee on Pensions.

By Mr. LANE:

A bill (S. 6103) granting a pension to Charles E. Wilber (with accompanying papers); and

A bill (S. 6104) granting an increase of pension to Theodore Hansen (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6105) granting an increase of pension to James H. Kneeland (with accompanying papers);

A bill (S. 6106) granting a pension to Leonora V. Lunt (with accompanying papers);

A bill (S. 6107) granting an increase of pension to Thaddeus Cross (with accompanying papers);

A bill (S. 6108) granting an increase of pension to Charles E. Cook (with accompanying papers);

A bill (S. 6109) granting an increase of pension to Florence M. Moore (with accompanying papers);

A bill (S. 6110) granting an increase of pension to Horatio N. Lowell (with accompanying papers);

A bill (S. 6111) granting an increase of pension to Truman F. Maxim (with accompanying papers);

A bill (S. 6112) granting a pension to Fred S. Knight (with accompanying papers);

A bill (S. 6113) granting a pension to Alden Turner (with accompanying papers); and

A bill (S. 6114) granting an increase of pension to Almon G. Warren (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 6115) for the relief of the heirs at law of the late Duncan H. Campbell; to the Committee on Patents.

#### AMENDMENT TO DISTRICT APPROPRIATION BILL.

Mr. BANKHEAD submitted an amendment proposing to appropriate \$4,140 to pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 15774), which was referred to the Committee on the District of Columbia and ordered to be printed.

#### COAST AND GEODETIC SURVEY.

Mr. JOHNSON of Maine. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill (H. R. 15836) relative to an additional appropriation for the United States Coast and Geodetic Survey. I ask that the amendment be printed and referred to the Committee on Appropriations.

The VICE PRESIDENT. Without objection, it is so ordered. Mr. JOHNSON of Maine. I also submit a letter from the Superintendent of the United States Coast and Geodetic Survey stating the reasons for the necessity for the appropriation, which I ask may be printed in the Record and referred to the Committee on Appropriations to accompany the amendment.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

#### DEPARTMENT OF COMMERCE, UNITED STATES COAST AND GEODETIC SURVEY, Washington, May 22, 1916.

Hon. CHARLES F. JOHNSON,  
United States Senate, Washington, D. C.

MY DEAR SENATOR JOHNSON: In accordance with your request that I set forth reasons for the necessity for the introduction of an amendment to H. R. 15836 in the Senate of the United States to provide funds which the United States Coast and Geodetic Survey requires in addition to those contained in the sundry civil bill just reported, I submit the following:

The sundry civil bill as reported to the House of Representatives does not make provision for some help and materials, etc., that this bureau must have to continue issuing its charts throughout the coming fiscal year. I tried to impress the Appropriations Committee of the House with the gravity of the situation, but apparently failed to make them comprehend the seriousness of the facts. I am therefore glad for the opportunity afforded by your kind request.

I enumerate our needs in the order of their importance.

First, in regard to the production and output of charts: I need not detail how rapidly information comes in requiring changes in the nearly 700 charts covering our 103,000 miles of coast line; but there are in this office to-day reported dangers in the way of submerged rocks and shoals found and other dangers to navigation, and changes in aids to navigation that make it absolutely necessary to reprint 135 of our charts with the least possible delay.

Nor shall I burden you with the details of how this information must be examined, verified, drafted, engraved, or lithographed before it finally filters through the office and goes on the printed chart so that it is absolutely correct and reliable when the chart is sent to the merchant mariner or to our Navy Department for the use of the Navy vessels.

The point is that requests come to us daily for some of these 135 charts that are out of print, and vessels are delayed in their sailings because they can not be supplied with our charts.

We have at this writing a request from a vessel that is leaving New York for 223 of our charts, of which 64 can not be supplied, because they are out of print; nor can we give any definite promise when they can be furnished. Another shipowner wishes 27 different charts, of which 17 can not be supplied; and still another has ordered 27, of which 18 are out of print; and there are many other such orders.

We have made a careful canvass of the situation, and have no hesitancy in saying that the extra help requested in this amendment will no more than meet the situation.

Should it be thought that a remedy could be had in overtime work, the answer is that we have resorted to this means continually. The inevitable result must be, if this is made a permanent practice, that the better class of our employees will be driven to other branches of the Government service where overtime work is not continually required, or to positions outside the Government service. We would then be in a worse situation than now, because the number of persons skilled in the technical qualifications required is limited, and it takes time for a person having the technical qualifications to further acquire the exact knowledge needed to carry on our work.

The above applies to skilled help. Now, in regard to chart paper and other supplies:

During the current fiscal year 75,949 pounds of chart paper were purchased at a cost of \$12,151.80. More than this was needed and would have been purchased had the current appropriations been adequate. One of the necessary elements, with reference to chart paper, is that it be well seasoned before printing. If charts are printed on "green" paper, the paper in seasoning distorts the chart so that the distances represented thereon are misleading to a mariner, and the chart is a menace rather than a guide.

Only a certain grade and quality of paper can be used for chart-making purposes, and this kind of paper is not carried in stock by the paper mills. It therefore follows that when this bureau places an order for chart paper, that paper is made on the receipt of the order, and we receive "green" paper. To meet this condition, it has been our custom to keep a supply of chart paper on hand; but owing to the increased demand for charts, with no increase in funds, this stock has been from year to year encroached upon until it is practically exhausted.

We are now facing an unprecedented demand for charts, with no reserve stock of seasoned paper to draw upon. With the cost of paper advanced some 50 per cent, owing to a rag famine resulting from foreign embargoes, it is absolutely necessary that additional funds be provided for the purchase of chart paper, unless we are to stop work.

The primary cause of this increase of demand can be attributed to the increased activity in shipping, and to the increased demands of our Navy Department. In figures, which fail to convey any notion of the work involved, this increase during the present year has been 30,000 charts.

Our resources are strained almost to the breaking point, and with the growing demand which is more apparent each day we shall shortly be absolutely swamped unless Congress at an early day provides adequate funds.

Money appropriated for chart paper in reality takes little, if anything, out of the Treasury, for the reason that the printed charts are sold for the cost of paper and printing, and the money from these sales reverts to the Treasury each month.

While we must have the funds for the skilled help and the chart paper referred to above, it is also necessary, if our work is to go on, that money be provided for the two chart presses. Without going into

detail I may say that the presses now in use are antiquated, and require a maximum of hand labor with the minimum of production, and are insufficient for our present demands.

#### LAUNCHES FOR WIRE-DRAW WORK, ETC.

Under existing appropriations for wire-draw work there has never been sufficient money to purchase launches for this work. The result is that each year we hire the necessary launches under competitive bids.

While we make the best selection possible for launches for this work, these two results follow:

First. The type of launch needed for wire-draw work is the type used by fishermen, and we are in the market for them at the very time of the year when they are needed by the fishermen. From this it follows that, though the launches are hired under competitive bids, the amount of rental paid is out of proportion to the value of the launch.

Second. In nearly every instance, though the specifications call for launches suited as closely as possible to our needs, we often have to replace the entire superstructure to adapt them to our needs. When the season is over, the rigging we have placed on them must be removed and the launches placed in their former condition to be returned to the owners.

The result is that we are, in rentals and adjustments, paying over and over again the value of these launches, while if money were available to build launches exactly suited to our needs there would not be this extravagant yearly outlay. Then, too, the time of our parties in securing these bids and making these changes each season would be saved.

#### AS TO MONEY FOR A NEW VESSEL.

The Federal Government has appropriated \$35,000,000 for a new railroad in Alaska and is making many other wise expenditures there, and as the only way to reach the ports of that country is by water, it follows logically that, with the 23,000 miles of shore line yet to be surveyed, we must have vessels and appropriations to carry on the work.

Meanwhile, I have figures from what I consider reliable sources showing that the losses in Alaskan waters for the past 10 years in vessels valued at \$20,000 and upward have averaged \$490,300 each year, or more than twice the amount of money this bureau has available yearly for surveys of all kinds on the coasts of Alaska.

The Coast and Geodetic Survey vessel *Gedney*, 41 years old, was sold last fall, after being condemned by the Steamboat-Inspection Service. We have nothing to take her place. Without a new vessel the condition will be most unfortunate. The supply must be increased not decreased. I am,

Respectfully, yours,

E. LESTER JONES,  
Superintendent.

#### HOUSE BILL REFERRED.

H. R. 14771. An act granting the consent of Congress to commissioners of Charlton County, Ga., and Nassau County, Fla., to construct a bridge across the St. Marys River was read twice by its title and referred to the Committee on Commerce.

#### RECESS.

Mr. CLARKE of Arkansas. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m., Monday, May 22, 1916) the Senate took a recess until to-morrow, Tuesday, May 23, 1916, at 12 o'clock meridian.

### HOUSE OF REPRESENTATIVES.

MONDAY, May 22, 1916.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Teach us, O God, the meaning of life. We are profoundly impressed with the vast and countless variety displayed in Thy creative acts. Every thing in nature bears its peculiarity, and when we reach man the differences are more clearly defined. Each is cast in a different mold and stamped with a personality all his own, and can fulfill his particular place better than another. Help us, therefore, until we find our sphere to do what we find to do with earnestness, patience, persistence, and courage, that we may be prepared for the work Thou hast called us to do.

And only the Master shall praise us,  
And only the Master shall blame us;  
And no one shall work for money,  
And no one shall work for fame;  
But each for the joy of the working,  
And each in his separate star,  
Shall draw the thing as he sees it,  
For the God of things as they are!

Amen.

The Journal of the proceedings of Saturday, May 20, 1916, was read and approved.

#### CHANGE OF REFERENCE.

Mr. COX rose.

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. COX. To prefer a unanimous-consent request; to ask that two bills now pending before the Committee on the Post Office and Post Roads, of which I do not think that committee has jurisdiction, be referred to the Committee on Reform in the Civil Service.

The SPEAKER. What are the bills about?

Mr. COX. One is H. R. 6915 and the other is H. R. 10130.

The SPEAKER. What are they about?

Mr. COX. They relate exclusively to civil-service pensions.

The SPEAKER. Without objection, the reference will be made.

There was no objection.

#### EXTENSION OF REMARKS.

Mr. DALE of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the rural-credits bill.

The SPEAKER. The gentleman from Vermont [Mr. DALE] asks unanimous consent to extend his remarks on the rural-credits bill. Is there objection?

There was no objection.

#### TEXAS BICENTENNIAL AND PAN AMERICAN EXPOSITION.

Mr. SLAYDEN. Mr. Speaker, I would like to have taken off the Speaker's table and have considered Senate joint resolution 72.

The SPEAKER. The Chair lays before the House Senate joint resolution 72, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 72) to provide for holding the Texas Bicentennial and Pan American Exposition in 1918.

*Resolved, etc.* That whenever it shall be shown to the satisfaction of the President of the United States that a suitable site has been selected and that adequate provision has been made for buildings and grounds that will enable the Texas Bicentennial and Pan American Exposition to inaugurate, carry forward, and hold an exposition at the city of San Antonio, Tex., on or about the 1st day of November, 1918, to celebrate the two hundredth anniversary of the settlement of San Antonio, the President of the United States be, and he hereby is, authorized and requested to invite Spain and all the Pan American countries and nations to such proposed exposition, with a request that they participate therein.

The SPEAKER. There is a House resolution of similar tenor on the calendar.

Mr. SLAYDEN. Yes; precisely the same.

Mr. GARNER. With a unanimous report from the committee.

Mr. MANN. I believe it requires unanimous consent, nevertheless. Did the gentleman from Texas ask unanimous consent?

Mr. SLAYDEN. No; I asked that the bill be laid before the House.

Mr. MANN. I suggest that the gentleman ask unanimous consent.

Mr. SLAYDEN. I ask unanimous consent, then, Mr. Speaker, that the Senate bill be considered in lieu of the House bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, I would like to ask the gentleman a question. Recollecting the attitude of many very distinguished gentlemen from Texas on the floor of the House in reference to expositions in the past, is it the expectation or intention to ask for any Government appropriation in aid of this exposition, except possibly a Government exhibit?

Mr. SLAYDEN. No; Mr. Speaker, there is no such intention, and the officers of this exposition association, as I suppose you would call it, have filed with the Committee on Industrial Arts and Expositions over their signatures a pledge that they would not do so.

Mr. MANN. Well, I remember, in reference to the California exposition, that we had the same statement from Members of the House from California in reference to that exposition; and they carried it out. They never asked for any aid, but somebody else did—the President did—and we had a very determined contest over it. Is the same procedure likely to happen in reference to this exposition? Of course the gentleman can not speak for the next President. I understand that.

Mr. SLAYDEN. No; but I assure the gentleman that it is not the intention of any Member of the Texas delegation to do so, and these gentlemen from Texas were told that fact with a frankness which I think some of them thought was almost brutal.

Mr. MANN. Of course I understand that would not prevent, so far as I know, a Senate amendment on the sundry civil bill or on the deficiency bill carrying an appropriation that would have to be voted on in the House.

Mr. GARNER. May I say to the gentleman from Illinois that both the Senators from Texas have taken the same position as the House Members, that they will not ask for money to defray the expenses of the exposition or money to defray a deficiency in the expenses of the exposition? At least one of the Senators will be here, and probably the other.

Mr. MANN. Personally I may say that I think the Government ought to make an appropriation in aid of this exposition.

Mr. GARNER. But the Texas delegation do not feel that way about it, and they are not willing to support one.

Mr. SLAYDEN. Question, Mr. Speaker.



The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the House resolution of similar tenor will be laid on the table.

There was no objection.

On motion of Mr. SLAYDEN, a motion to reconsider the vote whereby Senate joint resolution 72 was passed was laid on the table.

#### PORTO RICO.

Mr. GARRETT. Mr. Speaker, I desire to prefer a request for unanimous consent touching the Porto Rican bill.

The SPEAKER. The gentleman will proceed.

Mr. GARRETT. I ask unanimous consent, Mr. Speaker, that the House may resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Porto Rican bill; that the Clerk shall immediately proceed to read the bill without interruption; that during the reading amendments may be offered; that at the conclusion of the reading the amendments may be read in the order in which they are offered, and that at not later than 4 o'clock the committee shall proceed to vote upon the amendments offered, and so perfect the bill, and upon its perfection the committee shall rise and report the bill to the House, the previous question shall be considered as ordered on the bill and all amendments thereto to final passage, except one motion to recommit.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Porto Rican bill; that the Clerk shall read the bill without interruption until the reading has been concluded, whereupon any amendments that may be offered shall be read in the order in which they are sent to the Clerk's desk; thereupon the committee shall rise and report the bill to the House, the previous question shall be considered as ordered, and without intervening motion except one motion to recommit the House shall vote on the bill. This shall happen before 4 o'clock—

Mr. GARRETT. Not later than 4 o'clock.

The SPEAKER. Not later than 4 o'clock. Is there objection?

Mr. MANN. Reserving the right to object, the gentleman from Tennessee [Mr. GARRETT] is one of the best legislators in this House. If he were not, I would say that that proposition was fit to come from a set of lunatics, but not from sane men. I do not think that that is a proper way to legislate, and I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. JONES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Porto Rico bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, with Mr. FOSTER in the chair.

The Clerk read as follows:

SEC. 5. That all citizens of Porto Rico, as defined by section 7 of the act of April 12, 1900, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April 11, 1899, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided*, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, \_\_\_\_\_, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this act to the executive secretary of Porto Rico: *And provided further*, That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this act, or if a minor upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I think there was some discussion in general debate in reference to this section, as the gentleman will doubtless recall.

Mr. JONES. The gentleman from New York [Mr. BENNET] suggested that there should be an amendment to this section in order that certain Porto Ricans who are resident in New York and who were absent from the island at the date mentioned in this section might be included in this provision. It was stated at the time that there was no provision of general law upon the subject of naturalization which would permit them to become citizens of the United States. Since that time the general laws upon the subject have been examined; I have conferred with Mr. BENNET, and he is perfectly satisfied, not only that they can become naturalized under the general law but that a number have already been so naturalized, and he therefore does not desire any amendment, but thinks that the law is sufficiently broad.

Mr. MANN. That statement is satisfactory. I remember seeing in the newspapers at one time the statement that some of these people were refused naturalization. Whether the statement was correct or not, I do not know. The gentleman says they have been naturalized?

Mr. JONES. So I am informed by the Insular Affairs Bureau, and the gentleman from New York [Mr. BENNET] is satisfied of that fact.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 19. That the commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, and shall perform such other duties as may be prescribed by law.

Mr. JONES. Mr. Chairman, I desire to offer an amendment. On page 16, line 14, after the word "charities," insert "except such as relate to the conduct of maritime quarantine."

The CHAIRMAN. The gentleman will please send the amendment to the desk so that the Clerk can get it. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES: Amend, on page 16, line 14, after the word "charities," by inserting the following: "except such as relate to the conduct of maritime quarantine."

Mr. JONES. I will state, Mr. Chairman, that this amendment was suggested by the Treasury Department. The Treasury Department seemed to think that this duty could be better performed by officials of the United States.

Mr. CANNON. Will the gentleman allow me?

Mr. JONES. Certainly.

Mr. CANNON. Is that all the explanation?

Mr. JONES. I will say to the gentleman, if he desires a further explanation, that the section as framed placed these matters under officials appointed by the Governor of Porto Rico. The Treasury Department, having the machinery to perform these duties, thought there would be some confusion if they were turned over to the Porto Rican government and that it would be better to have them conducted as they now are, under Federal authority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. That there shall be appointed by the President an auditor, at an annual salary of \$6,500, for a term of four years and until his successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

In case of vacancy or of the absence from duty, from any cause, of the auditor, the Governor of Porto Rico may designate an assistant, who shall have charge of the office.

The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor, he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided*, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by the law upon the several auditors of the United States and the Comptroller of the United States Treasury, and is authorized to communicate directly with any person having claims

before him for settlement, or with any department, officer, or person having official relations with his office.

As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted the auditor shall submit to the governor an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States, to be designated by the President as herein provided.

In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and in the pursuance of these provisions may issue subpoenas and enforce the attendance of witnesses.

The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and deputy auditor and such necessary assistants as may be prescribed by law.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, largely for the purpose of inquiring the viewpoint of the committee as to this supervisory control of the auditor over the revenues of Porto Rico. I understood from reading the report of the chairman of the committee that it was the policy of the committee to give complete control to these islanders in the management of their internal affairs. Yet we have here a provision for the appointment of an auditor by the President, who will virtually exercise supervisory authority over the control of the revenues. If these Porto Ricans are to be vested with full authority in the management of their internal affairs, why should you withhold from them this authority in the management of their own revenues?

Mr. JONES. Mr. Chairman, I will say to the gentleman from Wisconsin that he is not quite correct in assuming that this bill is intended to give the Porto Ricans full and complete authority over all of their domestic matters. It is intended, however, to give them the fullest measure of self-government that, in the opinion of the committee, ought to be bestowed upon them, taking into consideration the interests of the United States. For instance, the President appoints the attorney general under this bill, under a section that has already been read, and the President appoints the commissioner of education, while the governor appoints the other four heads of departments.

There were various reasons for thinking that would be better. For instance, as to the department of education, if the Porto Rican government had complete control over that subject there might be some question as to whether English would be taught in the schools or whether Spanish would be substituted therefor. The committee thought it would be better to have that matter under the control of a commissioner of education appointed by the President, so as to insure the continued teaching of English in the public schools. I mention that simply as one of the exceptions to the rule which the gentleman thinks the committee desires to lay down.

Now, as to this specific question as to the auditor, I will say that my recollection is that as the bill was originally drawn there was no provision such as this, but some of the members of the committee, some of the minority members especially, thought there ought to be that provision. I think the gentleman from Iowa [Mr. TOWNER], the ranking minority member of the committee, was very earnest in the belief that there should be an auditor. I think the gentleman will admit that it is a wise provision.

Mr. STAFFORD. If the gentleman will allow me, an auditor is in the nature of a comptroller, an administrative official purely; and in my viewpoint, if we are going to vest these islanders with control over the administration of their own affairs, certainly the governor should have the right to appoint a purely administrative official like the auditor, rather than to vest that authority in the President to appoint some person who might not be in harmony or personally acquainted with the business affairs of the island.

Mr. JONES. I will be frank enough to say to the gentleman that I rather inclined to that view myself at the time, and when the bill was first drawn this provision was not in it, but other members of the committee desired this change.

Mr. STAFFORD. What was the motive that impelled the gentleman to withdraw from his logical position of having this official appointed by the governor rather than by the President?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that my time be extended five minutes, in order that the gentleman from Virginia may finish his explanation.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES. In the first place, I will say to the gentleman that this bill does not propose to confer full and complete self-government upon the people of Porto Rico. For instance, we retain the veto power in the President. The Porto Ricans would con-

fer only a qualified veto power on the governor. The committee deemed it wise to lodge absolute veto power in the hands of the President. It was the opinion of the committee that this position of auditor should be created. My friend from Iowa, Judge TOWNER, who took great interest in the framing of this bill, was particularly anxious that an auditor should be provided for.

Mr. STAFFORD. Oh, there can be no objection from one standpoint that all the officials should be appointed by the President, but if we proceed along the line of giving the auditor the full authority as consistent with their own government, the management of their own affairs, I can see why the auditor should be appointed by the governor. As to the commissioner of education and the attorney general I can see a potency in the reasons advanced by the gentleman from Virginia as to why the President should have the authority to appoint them. But here is a purely administrative official taken out of the hands of the local authorities and placed in the hands of the President, who knows nothing about the local conditions.

Mr. JONES. I realize that there is a good deal in what the gentleman says, but the committee concluded, after full discussion, that this position should be created.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I wish I had the time to go into this matter as I would have under general debate. It seems to me that this and the other provisions which propose to make it a half-and-half government in Porto Rico is a confession that the whole bill should fail. If they be ripe for self-government, if they should be clothed with citizenship, if there is a public sentiment and manhood there to enable them to elect both branches of their legislature and to have citizenship, not thrust upon them by compulsion, they ought to have it in full measure, but this half-and-half plan, to my mind, is a confession that the bill ought to fail.

Now, I have not anything but the kindest feelings for the Porto Ricans. I have a kindly feeling toward every human being on earth. I am for this provision in the bill if it is to pass; but experience has shown us that in the West Indies under the French, the British, the Spanish, or American control, that they are not competent for self-government. Oh, there are some that are competent, and if you give them enough power their competency would make them oppressors perhaps for the great benefit or the great harm of the most of the population.

I want to say here and now that I have been in Porto Rico many times. I have been in Cuba many times; I have been in Jamaica many times; and, as I said on a former occasion, there are 30 per cent pure African and enough to make 75 per cent who are not Caucasian or Spanish, but mixed. We are in Hayti now, and we are liable to be called to Cuba under a provision in their constitution which we made them adopt. We are responsible for them. Bless my soul, under 200 or 300 years of English domination in Jamaica they are not yet ready for self-government.

Now, it is not just to the Porto Ricans; it is not just to us that this bill should pass. But, if it must pass, this section and other provisions in it should remain, although it gives them privileges that Territories do not ordinarily have. That is all I want to say, and I say it as a final protest. I shall vote against this bill.

Competent for self-government? I want to say that we have 10,000,000 people, lately enslaved, who have made very great progress, but they are in contact with 90,000,000 of people who have proved their competency for self-government of the Caucasian race; and with the fullness of time, with this great disparity in population, I believe as generations come and go we will work out our salvation in this country, but down in Porto Rico I am not so optimistic. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 21. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final and conclusive.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The office of auditor ought never to be a political office. I very much approve of the provision of the preceding section for the appointment of an auditor by the President of the United States, so that that officer will not be involved in local politics. I question somewhat the desirability of this section providing for an appeal from the auditor to the governor. You might just about as well let the governor appoint the auditor, direct him how he shall make his findings, as to let an appeal be taken from the auditor to the governor.



I think on the whole we have a very good system in the United States in reference to the auditing of claims or bills against the United States. They first go through the departments. They go to the auditor for the different departments; that official being an official of the Treasury Department. Then an appeal can be taken from the auditor to the comptroller. It is supposed, and I think correctly, that the Comptroller of the Treasury is an official who is not reached by clamor or influence. His term of office is not coincident with that of the President of the United States. He invariably holds over beyond the term of the President, and while new comptrollers are appointed from time to time the decision of the comptroller is believed to be absolutely on the square, apart from any political influence.

Well, the governor will be influenced more or less by popular clamor in Porto Rico. If he is a good governor he will try to make himself popular, and the auditor, the man who determines whether a bill shall be paid, ought to decide in accordance with the law and absolutely regardless of public opinion. I do not think myself it is good judgment to allow an appeal from the auditor to the governor. The auditor, appointed as he is, is there merely to construe the law. The governor, appointed as he is, both being appointed by the same official, wants not only to construe the law but he wants to make himself popular with the people of Porto Rico, and it will occasionally arise that there will be popularity on the one side in favor of the payment of a bill, and the law on the other side. I think we always ought to hew to the line of the law in the payment of bills against the Government.

Mr. JONES. Mr. Chairman, it seems to me this is a very wholesome and salutary provision. I can not quite agree with my friend from Illinois [Mr. MANN] that the governor would be any more apt to be influenced by popular clamor than the auditor would be. They are both appointed by the President of the United States, and the governor holds his office at the pleasure of the President of the United States, and I think there ought to be some right of appeal somewhere. If not to the governor, it ought to be to the President of the United States. Surely you would not wish to burden the President of the United States with a matter of detail such as this; and even if you did, the President would refer it to the governor and, in all probability, would follow the advice of the governor. The auditor should not be clothed with autocratic power. He ought not to be vested with a power that can not be reviewed by anybody; and that being true, I know of no official other than the governor to whom the appeal should be taken. The governor, as I have said, and as the gentleman knows, as well as the auditor, is appointed by the President of the United States and is removable at the pleasure of the President. His appointment must also be confirmed by the Senate of the United States.

Mr. MANN. Mr. Chairman, just a word. Mr. Chairman, I think somebody has to be an autocrat about the payment of bills. The Comptroller of the Treasury in our country is an autocrat. There is no appeal from his decision unless you have a legal claim where you can go to the Court of Claims. I do not see any great difference between making the governor an autocrat and the auditor an autocrat, except that the auditor will know a great deal more about the subject than the governor, necessarily. That is his business. It is an incident with the governor; it is the business of the auditor. The gentleman says the auditor ought not to be an autocrat. Well, it would be well, possibly, if we could prevent anybody from being an autocrat, but in this case the governor will be an autocrat. He can overrule the auditor, and the decision of the governor is final, and very likely, if many appeals are taken, the decision of the governor will be rendered without the same scrutiny and care which will be given to the subject by the auditor. That is the whole business of the auditor; it is the mere incident to the duties of the governor.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Sec. 25. That all local legislative power in Porto Rico, except as herein otherwise provided, shall be vested in a legislature, which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Legislature of Porto Rico."

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I propose to offer an amendment to section 37, which defines the local legislative power that is granted by this section; but, lest I should be held to waive my right and my amendment should be held to involve something of a general legislative effect, I say a few words just now. When

we are dealing with an island like this we must reverse the old motto "Be good, and you will be happy." If we make them happy they will be good. If the United States will give prosperity to an island of this sort, they will be bound by ties of affection to the United States, and if they do not have prosperity there is certain to be a revolution some day. Now, there is no doubt that the exports from Porto Rico to the United States of sugar, coffee, and so forth, have grown wonderfully; but I want to point out to the committee that the growth of exports and imports does not always indicate real prosperity. Jamaica in ancient days made enormous exports of sugar, but it was grown by slave labor. They have less imports and exports now, but, on the whole, the people are happier than they were then, though they might have more employment and be more prosperous. It just happens. During many years I have studied from time to time the affairs of Porto Rico; I have had some rather recent information from people who have been there. A young naval officer lately wrote me that sugar plantations were very prosperous in Porto Rico, but that the plain people were not doing well. The population has increased greatly because of the abolition of disease. The United States have not given them profitable employment. Another gentleman whom I know well—I do not mention names—told me that he was down on a plantation in Porto Rico quite recently; that the head of that big sugar company told him that he had made 60 per cent profit during last year, and at the same time he learned that the men who were loading at the wharves at the shipping towns in Porto Rico were getting 5 cents, and sometimes a little more, per hour for loading. My friend told me that this sugar plantation had 10 or 15 square miles of territory, and that he had heard that they had gotten rid of small farms that used to be on that area by rather arbitrary methods.

On my suggestion that he did not get that from the headman he said, "No; but his foreman suggested it to me." To the inquiry, "Was it by tax sale?" he said he did not know. I remember that my friend Larrinaga, the former Commissioner, told me that the poorer people of Porto Rico did not understand how to deal with taxes on land and were sold out. I understand my friend the present Commissioner to say that they are not sold out now. I remember that there were many tax sales, and I regretted them. The people of Porto Rico should know how to settle their own form of taxation. They will be ready to submit, as they did in olden times, to the old provision that put into the Porto Rican treasury a duty on goods coming to and from the United States which amounted to one-fourth of the duty charged on goods from outside. That gave the government something to live on.

Unfortunately in the year 1900 we passed an act, on April 12, chapter 191, page 77, which has reduced those duties from 25 to 15 per cent, which was to go into the Porto Rican treasury, and then provided that as soon as the United States was convinced that they had a system of local taxation which made them independent of those duties the duty should be abolished, and that, at any rate, all duties should be abolished in 1902. They are gone.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. They are gone. By this act we establish a great many officers. I notice one is to be paid \$4,000. That does not mean pesos, but dollars, each of which is \$2 and more than that to them. We have given them a central government that costs money. It is imposing license taxes, and every municipality does the same. Those people do not usually speak English. They can not get into the labor market in this country and get something to do, as our people can. They ought to have an opportunity to build up their own industries. And as a believer in the prosperity of every bit of the land that belongs to the United States, I urge, and shall urge when we get to section 37, that there should be given to their legislature such powers as Canada has against England, and as Australia has, and as New Zealand has, and as every happy and loyal colony of Great Britain has—the power to lay a tariff against their home country, the United States—which tariff, however, should be preferential and should not exceed a certain proportion of the United States tariff on goods that come from elsewhere. Unless you give to this legislature, to a certain extent—not altogether, but within reasonable bounds—the power of the purse and the power of regulating their commerce within reasonable limits, they are not free; they will not be prosperous; they will not be happy, and if they are not happy they will not be loyal. [Applause.]



The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 26. That the senate of Porto Rico shall consist of 19 members elected for terms of four years by the qualified electors of Porto Rico. Each of the seven senatorial districts defined as hereinafter provided shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the senate of Porto Rico who is not over 30 years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election, and who does not own in his individual right taxable property in Porto Rico to the value of not less than \$1,000. Except as herein otherwise provided, the senate of Porto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the executive council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be elected.

Mr. LONDON and Mr. MANN rose.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] is recognized.

Mr. LONDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 13, after the word "election," in line 13, strike out all that follows in line 13, and all in line 14, and the words "less than \$1,000," in line 15.

Mr. LONDON. Mr. Chairman, the amendment is very simple. If the people of Porto Rico are qualified to take care of their own affairs, why should we impose a property qualification on members of the senate. It is a dangerous thing to do. You are giving to the propertied class the right to rule the country. You are drawing distinctions which should not exist. You are separating the people. You authorize one portion of the community to rule over the other portion of Porto Rico. It is a dangerous thing, and I do not believe that you should embody it in the law of Porto Rico as reflecting the best judgment of Congress in the year 1916. We can not go back to the theories of those legislators of 100 years ago who did try to create special distinctions for the propertied class. You know that the Senate of the United States was only a short time ago called "the Millionaires' Club." When you study the minutes of the Constitutional Convention of 1787, you will find that the authors of the Constitution feared the masses; they feared the crowd. I do not recall who it was who said it, but I believe it was Morris, that it was "necessary to create a legislature which should be independent of the whims and caprices of the people." Now, there is no reason in the world why we should now in drafting a law for Porto Rico embody every reactionary principle, every conservative principle in the old constitutions, principles that have been repudiated by the progressive part of America. Why should you now in the year 1916 go back to reactionary principles, to reactionary theories, to theories that have been exploded, to theories which will place property above men? That is where the vice of this thing lies.

In this section you have another obnoxious provision to which I want to call your attention:

No person shall be a member of the senate \* \* \* who has not been a resident of Porto Rico for at least two consecutive years.

Mind you, when it comes to residence you permit a man to become a member of the Senate who has been a resident of Porto Rico for two years, but when it comes to property, then the native must own at least a thousand dollars worth of property. In other words, a rich man, a well-to-do man, who will come to Porto Rico and will have been a resident for two years only will have a right to sit in the upper house of Porto Rico and to govern Porto Rico. But a man who has been a resident of Porto Rico for 20 years, or who is a native of Porto Rico, a man of education, a man of intelligence, who does not possess a thousand dollars' worth of property, will be disqualified from contributing his judgment and his voice to the shaping of the laws for his own people.

I do not understand the operations of the minds of the members of the committee. I do not understand what they are after, unless it is their object to give to property the right to rule over the people of Porto Rico. A government of the people of Porto Rico by the Porto Ricans is inconceivable under the proposed bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. LONDON. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 42.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. This section provides that the senators shall be elected by the qualified electors of Porto Rico. Section 35 provides that the qualified electors of Porto Rico "shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted." Is there any provision in this bill in reference to the registration of the electors of Porto Rico?

Mr. JONES. There is not, I will say to the gentleman; but I desire also to say to him in this connection that that section has been redrafted—the thirty-fifth section. The gentleman from Iowa [Mr. TOWNER] and myself, it was understood, were to redraft it, and I shall present a new section for this thirty-fifth section when we reach it.

The CHAIRMAN (Mr. CROSSER). Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 30. That the terms of office of senators and representatives shall be four years from the 1st of January following their election. In case of vacancy among the members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred, under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

Mr. CANNON. Mr. Chairman, I notice that the senators and representatives are to be elected at the same time, and that the tenure of office is four years in each case. Am I correct in that?

Mr. RIVERA. Yes; you are correct.

Mr. CANNON. Why should not the senators serve a longer term than the representatives, or why should not the representatives serve a longer term than the senators?

They are elected at the same time. If you were to have hysteria in the island, you would have a complete absence of check by this arrangement. We get hysteria in the United States sometimes. The Senate is elected with a tenure of six years, one-third going out every two years. In theory, and I must confess in practice, according to my observation for a considerable number of years, the Senate does not as promptly reflect the popular judgment, or hysteria, as the case might be, as the House does. Many a time I have thought that the Senate did not perhaps perform its function. At times it has been uncomfortable. But after all, a majority of that Senate, two-thirds of it, lasts for four years, one-third of it for six years, and one-third of it for two years, and it gives an opportunity for a sober second thought, inasmuch as both Houses must concur in legislation. That has been exceedingly useful.

Now, they might have a storm, or a "brain storm," in Porto Rico; and with an election once in four years, the only check would be the veto of the governor.

The CHAIRMAN. The Clerk will read.

Mr. CANNON. I would be glad to know the views of the Committee on Insular Affairs. Of course, the gentleman in charge of the bill may have the power to proceed. I did not quite consume my five minutes. He will have the power to read along, and everything will go; but if there is some reason why both these houses should be elected at the same time and have the same tenure I think it would be well to give the House information, if there is any.

Mr. JONES. I shall be glad to give the best reason I can. I certainly did not intend to be discourteous to the gentleman. I did not understand that he had offered any amendment. He asked whether or not the two houses were to be elected at the same time and whether they were to have the same terms, and I indicated that that was the case. I did not know that the gentleman desired any further explanation.

In the first place I want to say that the reason of economy—the frequency of elections—had more or less to do with this provision than any other consideration. The only practical solution of the question other than that which we adopted would have been to have elected senators for four years and representatives for two years, or representatives for three years and senators for six years. That idea was suggested some two years ago during the consideration of the Philippine bill, and objection was made to it on the floor, and the bill was amended. The idea is to reduce the number of elections as much as possible.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.



Mr. TOWNER. That last remark that the gentleman made was what I was going to call attention to. I think we all understand the common ground upon which the objection of the gentleman from Illinois [Mr. CANNON] was based. However, on consultation with the Insular Department, that has had charge of these matters for a good many years, and with the people of Porto Rico, through their Representative, Mr. RIVERA—

Mr. JONES. And I would add the Governor of Porto Rico, who came here—

Mr. TOWNER. Yes; and considering the present condition of the finances, taking into consideration all those things, it was thought best to place these terms as they are in the bill.

Mr. CANNON. In other words, it is popular government; they are to govern themselves. But this is another argument against any legislation.

Mr. TOWNER. I do not altogether agree with the gentleman from Illinois, I will say.

Mr. MONTAGUE. I would like to ask the gentleman from Iowa a question.

Mr. TOWNER. The gentleman from Virginia [Mr. JONES] has the floor.

Mr. MONTAGUE. Do I understand from the gentleman from Virginia and the gentleman from Iowa that the only argument for this uniformity of term of the House and Senate is the one of economy?

Mr. TOWNER. It is not the only argument.

Mr. MONTAGUE. That is the only one that has been given.

Mr. TOWNER. That is the principal argument.

Mr. MONTAGUE. If that is the principal argument, would you not accomplish the object aimed at by abolishing one or the other branch of the Congress?

Mr. JONES. I do not think that that is a fair deduction at all.

Mr. MONTAGUE. I deduce that from the principle presented. If you are going to have a bicameral body, you ought to have a varying term, according to the development and usages of our legislative institutions.

Mr. JONES. And you ought to have some regard for the people as to the cost of elections and the frequency of elections.

Mr. MONTAGUE. I think that is right.

Mr. JONES. This recommendation was made by gentlemen who are more familiar with local conditions than members of the committee. It was made by the Chief of the Bureau of Insular Affairs and by Gov. Yager, who came on here, and the committee, considering all things—the matter of expense and the matter of the frequency of elections—concluded that this was the better proposition.

Mr. RIVERA. Mr. Chairman, there are other reasons aside from that of economy in favor of this provision of the bill. In my judgment, the principal and paramount reason is not only economy, but it is a social and political reason. The people of Porto Rico are easily excited by an electoral contest, and it is better for them to have elections once in four years rather than once in two years, because if elections are to be held every two years there will be an enormous loss of time.

Mr. KEATING. Will the gentleman yield?

Mr. RIVERA. Certainly.

Mr. KEATING. How do your citizens manifest this excitement?

Mr. RIVERA. In different ways.

Mr. KEATING. Do they commit acts of violence?

Mr. RIVERA. Oh, no; they never manifest their excitement by unlawful means.

Mr. KEATING. You mean that they take an interest in the elections. Is that the idea?

Mr. RIVERA. They take a great interest; yes.

Mr. KEATING. Is it not true that in this country prior to an election the citizens take a great deal of interest in the election?

Mr. RIVERA. The people of the United States have different characteristics than the people of the Latin countries. In the Latin countries eight months before the election the people are very much occupied in election matters.

Mr. KEATING. The gentleman does not mean to convey the impression to this House that elections in Porto Rico are marked by acts of violence, does he?

Mr. RIVERA. No; not at all. There is no violence.

Mr. KEATING. By "excitement" the gentleman means that the people of Porto Rico are interested in their elections?

Mr. RIVERA. Yes; they are warmly interested in the elections.

Mr. KEATING. That they discuss the questions at issue?

Mr. RIVERA. Yes.

Mr. KEATING. And discuss the candidates?

Mr. RIVERA. Yes.

Mr. KEATING. But no violence is committed?

Mr. RIVERA. We think it is better that the elections in Porto Rico should be held once in four years, because of the saving in the people's time, and also for the reason of economy. The distinguished gentleman from Iowa [Mr. TOWNER] has explained this point clearly.

Mr. KINKAID. Will the gentleman yield for a question?

Mr. RIVERA. Yes.

Mr. KINKAID. How many months before the election are the candidates brought out?

Mr. RIVERA. Eight months.

Mr. KINKAID. Do the voters become so much interested in the campaign that they devote most of that eight months to having public meetings and electioneering for their candidates and working against those whom they oppose?

Mr. RIVERA. Yes.

Mr. KINKAID. And during that time do they neglect their work?

Mr. RIVERA. To some extent.

Mr. KEATING. I do not want to assume the responsibility for defending the gentleman's constituents, but I would suggest to him that he should not permit the impression to be given to this House that the people of his country are so utterly lacking in qualifications for self-government that for eight months prior to an election they neglect their business and devote all their attention to politics.

Mr. RIVERA. That is not exactly my affirmation. I have not stated that. The people of my country, enthusiastic as are all the peoples of the Latin race, do not limit their activity to casting their votes, but they frequent clubs, attend political meetings, discuss political issues, and sometimes carry their generosity to the point of neglecting their profitable business for the sake of their principles and ideals. This is the only meaning of my remarks, which the gentleman from Colorado has attempted to criticize.

Mr. KINKAID. Will the gentleman yield further?

Mr. RIVERA. With pleasure.

Mr. KINKAID. Does the gentleman mean that the people of Porto Rico can not afford to devote eight months to a campaign every two years?

Mr. RIVERA. That is what I mean.

Mr. KINKAID. And it would be more economical to have an eight months' campaign only once in four years, which would amount to two months for each year?

Mr. RIVERA. Certainly.

Mr. KINKAID. I think that that is a sensible proposition.

Mr. KEATING. If the gentleman will yield, I want to clear up this point. It is a serious matter. There are a million people in Porto Rico who are seeking self-government. Their Representative is here. He has not, as I understand it, stated that his people neglect their work? I am sure he does not desire to convey that impression to the House.

Mr. RIVERA. They do not completely neglect their other occupations, but they do so in part.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Does the gentleman from Porto Rico desire more time?

Mr. RIVERA. Yes; I do.

Mr. STAFFORD. I ask unanimous consent that the gentleman may have five minutes more.

Mr. JONES. I ask unanimous consent that the debate on this amendment conclude in five minutes.

Mr. CANNON. Oh, I think we ought not to do that. I take it there will not be a protracted debate.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. CANNON. A little later the gentleman may present his proposition and I shall not object. I have no desire for a long debate.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the time of the gentleman from Porto Rico be extended five minutes. Is there objection?

There was no objection.

Mr. RIVERA. I think it is a matter of economy, not only for the government of Porto Rico but also for the private citizens of Porto Rico, to have the elections every four years and not every two years, because at election time the enthusiasm there is very ardent, and frequently produces a great deal of public effervescence.

In elections for officials of the municipality the people are used to spending very much money. Sometimes in a little town of 10,000 inhabitants they spend more than \$10,000 in one election. That is too expensive. According to the report the expenses of an election, referring to private expenses and not public expenses of the Government, are about \$200,000 for each election,

and it seems to me that it would be a very good thing to save this large amount of money.

Mr. TILSON. Will the gentleman yield?

Mr. RIVERA. I will.

Mr. TILSON. Does not the gentleman take into consideration the matter of experience—that if the official will receive four years service it will be of much benefit to him as compared to two years or a shorter service?

Mr. RIVERA. Yes; that is another powerful reason. The gentleman from Illinois [Mr. CANNON] said that it was difficult for him to understand the different conditions between members of the house and members of the senate in Porto Rico, because the members of both houses are elected for four years; but the difference is that the members of the house will be elected by a single legislative district and the members of the senate will be elected by five districts. In this manner if a member of the house is given 20,000 votes, the member of the senate will receive 100,000 votes. That is the distinction between the members of the two bodies. Senators will have more representation and responsibility.

Mr. CANNON. Will the gentleman yield.

Mr. RIVERA. I will.

Mr. CANNON. In the whole island you elect 20?

Mr. RIVERA. Thirty members of the house and 19 senators.

Mr. CANNON. A portion of them from the island at large that everybody votes for.

Mr. RIVERA. Yes, sir.

Mr. CANNON. The others are elected by districts.

Mr. RIVERA. Exactly. Fourteen senators are elected by seven districts.

Mr. CANNON. Will the gentleman answer a further question? In the United States, here and there, we have bribery at elections. Fortunately, so far, taking the whole electorate, the rule is not bribery but honest voting upon the judgment of the electors. How is it in Porto Rico? The gentleman spoke of large expenditures; is there any bribery there?

Mr. RIVERA. Nothing of the kind. The elections are completely honest. The large expense that I spoke of is on account of the propaganda.

Mr. CANNON. There is no bribery, the gentleman says, direct or indirect, of the individual voter?

Mr. RIVERA. No bribery at all. Or, perhaps, in a very small number of cases; but not to any dangerous extent.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. RIVERA. I will.

Mr. SMITH of Michigan. How does it take so much money, then, to elect a senator or representative?

Mr. RIVERA. It takes no money at all.

Mr. SMITH of Michigan. He does not pay anything?

Mr. RIVERA. Nothing. I have been elected to represent the people of Porto Rico in this House for three terms, and I did not spend one cent in my elections. [Applause.]

Mr. KINKAID. Did any person run against the gentleman for the office; was there any opposition?

Mr. RIVERA. Oh, yes.

Mr. KINKAID. Every time?

Mr. RIVERA. Yes. I belong to the Union Party in Porto Rico, and there is another party, called the Republican Party, which has no connection with the Republican Party in the United States; it is a local party. But every time that I was a candidate the Republican Party has also presented its candidate, and I have had a great opposition.

Mr. KINKAID. Mr. Chairman, I am heartily in favor of the provision of the bill under consideration; that is, I think few elections are preferable to frequent elections in Porto Rico. I favor fewer elections rather than frequent elections in the United States. I think in several of the States of the Union general elections come too often. Several of the old States, including Massachusetts and Rhode Island, elect a governor every year. That seems to me to be useless and very uneconomical. As I view it, too much time and too much money, honestly expended, is lost in holding general State elections annually. Neither can a fair trial be given an administration in one year.

The State of Nebraska has recently changed its constitution so that it does not require a general State election every year. A general election is now required but once in two years. This year will be the first year to vote under the new system and elect all of the officers that heretofore have been elected by two elections, held a year apart. I think we ought to go still further and elect both State and county officials for four instead of two years. Mr. Chairman, it is significant that while old constitutions are being amended to make official terms longer no changes are being made to shorten terms, hence progress is in the direction of longer terms in office. I think the general trend is for

fewer elections, with correspondingly longer terms in office. At any rate, I have stood consistently for such change for years.

Mr. Chairman, I am indeed very much pleased to know that the able gentleman from Porto Rico gives his unqualified approval of the provisions contained in the bill for the election of the members of the house as well as the members of the senate for a term of four years. I can readily understand why this may be appropriate for Porto Rico, but not desirable for the States of the Union. The stand taken by the gentleman from Porto Rico, in my estimation, reflects very favorably upon himself and his constituents. The reasons, in substance, given by the able gentleman from Porto Rico in favor of infrequent rather than frequent elections for his people, as I understand him, though he has not expressly so stated himself, is that their enthusiasm, stimulated and awakened by the exercise of the right of suffrage, comparatively new to them, leads them to devote too much time to political campaigns to the neglect of their usual vocations, thus tending to impoverish individuals and cause loss to the local public generally. The reason, therefore, is an economic and laudable one.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HELM. Mr. Chairman, I move to strike out the last two words. Ever since I have been a member of the Insular Affairs Committee I have felt a very keen and lively interest in the people of Porto Rico. They are indeed the wards of this Government. One of the features of this situation to which I have alluded on every occasion similar to this is the possibility of the enormous trade looming up, the commerce of South America looming up as a possibility for this country, and inasmuch as this bill now makes the Porto Ricans citizens of the United States, we ought to take advantage of every possibility to select from the Porto Ricans the representatives for the Consular Service especially, and send as many of them as possible into the countries of South America as representatives of this Government. They have a kindred language, they are a kindred race, and they know the manners and customs of the people of South America. They would make the most serviceable representatives in a business way that this Government could have.

I hope that the department will, as far as it can, take notice of this situation and carry it into execution as far as it is possible to do so.

Another thing I could never understand and that is why, since the construction of the Panama Canal, we have not employed Porto Ricans when we have been going through the south islands to secure labor of all kinds in the construction of the canal.

I am informed that labor there is at a discount, that there is not enough employment in the island of Porto Rico for the Porto Ricans. Why our Government from the start has not been going to the island of Porto Rico to get labor to take down to the canal to help construct it I do not know.

Mr. MADDEN. Will the gentleman yield?

Mr. HELM. I will.

Mr. MADDEN. Does the gentleman know that the Canal Commission organized a board of civilians to go all over the world to find men to go and dig the canal, and they had to take them where they could get them?

Mr. HELM. I think if we could get laborers on the islands of the South Seas in the same latitude as Porto Rico it could have been possible to have obtained them in Porto Rico. On my trip to the Canal Zone I saw Jamaicans and laborers from several of the islands in the South Sea who were doing the manual labor in the Canal Zone, and why we have not had our people—citizens of our colonial possessions, if you may so term them—at work there instead of these English citizens is something I can not understand. I can not yield further.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. HELM. I only have five minutes. Now, this situation has arisen: There is a great scarcity of labor in this country now. Labor is at an enormous premium in the United States; there is a good paying job for every person willing to work. People are offering \$3 a day for the commonest kind of work, and this bill makes the Porto Ricans citizens of the United States, and why we could not, why we should not, undertake in every possible way to get labor from Porto Rican Islands into the United States to take the place of this labor that has gone back to Europe—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALMON. Mr. Chairman, I see no objection to the text of the bill providing that the senators and representatives in the Porto Rican Legislature shall both be elected for a term of four years. It is true, as has been stated by some, that it has been the practice in many of the States of the Union to elect the members of the State senate for a term of four years and the members



of the house for two years. Such was the case in Alabama until 1901. Since then, in accordance with the provisions of the constitution of 1901, we have elected our State officers and the members in both branches of the legislature at the same time for a term of four years. This new plan has given satisfaction and, we believe, is in the interest of good government. If this be true as to one State it would no doubt be true as to others. If it works well in the States it would, no doubt, in Porto Rico.

When the question of terms of the President of the United States, Senators, and Members of the House was under consideration in the convention which prepared the Constitution of the United States there was wide difference of opinion as to what should be the length of the term of these various officers, and it is said that giving the United States Senators six years, the President four years, and the Members of the House two years was the result of compromise. It was then provided that the Senators should be elected by the legislatures of the various States. That has been changed so that they are now elected directly by the people.

There is a strong sentiment in this country to-day for the election of the Members of this House for four years, and if it could be left to a vote of the people of the Nation I believe it would carry by an overwhelming majority. I hope the committee to which the resolution providing for an amendment to the Constitution providing for the election of the Members of Congress for four years was referred will grant hearings and report the resolution, in order that it may come before Congress and that we may have an expression on the subject. [Applause.]

Mr. FESS. Mr. Chairman, I simply want to remind the committee that there was no controversy as to whether this should be a bicameral system of the two houses, but there was a question as to whether the tenure should be the same in both houses. However, the committee came to the conclusion, and it was a unanimous vote, ultimately, that instead of lessening the time of members of the house from four to two years, or extending the time of the members of the senate from four to eight years, it was better to make the tenure of the members of the two houses the same, four years. That similarity of tenure does not destroy the bicameral system at all. The facts are, we provide for 35 districts and four members at large for the house, and we have 7 districts with two members from each and five members at large in the senate, their duties and powers while legislative are not entirely similar, and therefore there is a difference in the two houses which makes it a bicameral system instead of a unicameral system, but the only similarity is in the tenure. We agreed that two years in the house is too short and eight years in the senate is too long, and a compromise is reached to make them both four years. It does not destroy the bicameral system at all. The functions of the two houses are preserved, as they are recognized in the States. The only bit of difference from what we have in the several States and in the Federal Government is the similarity of tenure, and that is why the committee came to that conclusion.

Mr. JONES. Mr. Chairman, there is no amendment offered.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 32. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members, and they shall have and exercise all the powers with respect to the conduct of their proceedings that usually pertain to parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following the next election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill, does this provide for the length of sessions for the senate and house?

Mr. JONES. I think it does in the subsequent section:

But no regular session shall continue longer than 90 days, not including Sundays, holidays, or days during which both houses may by concurrent resolution and with the approval of the governor have agreed to a recess.

The Clerk read as follows:

SEC. 34. That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico." Bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority vote of all of the members belonging to such house and be approved by the governor within 10 days thereafter. If, when a bill that has been passed is presented to

the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the governor, so stating, and it shall not become a law. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within 10 days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within 10 days after receipt by him; otherwise it shall not be a law. All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section 23 of this act, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the committee return to page 25, section 33.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to page 25, section 33. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I want to ask a question of the gentleman in charge of the bill. Beginning with line 18, the gentleman will observe that the governor may call "special sessions of the legislature or of the senate"; that is, he may call a special session of either the legislature or of the senate alone at any time. Then, in lines 20, 21, and 22, is a provision that the governor—shall call the senate in session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for.

That amounts to a regular session of the senate. The bill is mandatory that the senate shall convene on that day—the second Monday of February—in certain designated years. These would not be special sessions of the senate. They are to be fixed by law. Then follows the language in line 23:

But no special session shall continue longer than 10 days.

Now, that applies only to any special session of either the legislature or of the senate. But how about the sessions of the senate which the law in mandatory fashion requires shall convene regularly on the second Monday in certain Februarys? How long are these to continue?

Mr. FESS. There is no limit.

Mr. COOPER of Wisconsin. If they are to draw \$7 per day, ought there not to be some limitation upon the length of time in which the senate shall remain in session in these particular February sessions?

Mr. GARRETT. Will the gentleman permit? The criticism of the gentleman from Wisconsin may possibly be well taken, but, in the contemplation of the committee, this session of the senate was regarded as a special session, because it was provided that the governor should call it.

Mr. COOPER of Wisconsin. But strictly speaking, taking these two provisions of the paragraph together, it is not, because there is in the same clause a provision for the calling of special sessions of the senate. These are specifically called special sessions. But the other provision is mandatory that the senate shall convene on the second day of February in certain years. That is, convene regularly in these years.

Mr. MANN. It is on the call of the governor.

Mr. COOPER of Wisconsin. It is not a special session, because just before that there is a provision for special sessions of the senate to be called by the Governor to convene at any time.

Mr. GARRETT. I see the point the gentleman makes. But still it does not mean by direction of the law. It means by the call of the governor. That, I think, makes it a special session.

Mr. TILSON. Will the gentleman yield?

Mr. GARRETT. Mr. Chairman, if the gentleman will permit a minute, in order to clear up any doubt that may be in the mind of anyone concerning this, I think I could suggest an amendment, after the word "in," in line 21, by inserting the word "special."

Mr. TILSON. I was just going to suggest that to the gentleman from Wisconsin.

Mr. GARRETT. I think that would bring it within the terms of the bill.

Mr. COOPER of Wisconsin. It ought to be there if that is the meaning, and then these February sessions can not last longer than 10 days.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 25, line 21, after the word "in," insert the word "special."

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. Sharkey, one of his secretaries.

PORTO RICO.

The committee resumed its session.

The Clerk read as follows:

SEC. 35. That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted. That no person shall be allowed to register as a voter or to vote in Porto Rico who is not a citizen of the United States, over 21 years of age, and who is not able to read and write, or who is not a bona fide taxpayer in his own name in an amount of not less than \$3 per annum.

Mr. JONES. Mr. Chairman, I move to strike out all of section 35 and insert in lieu thereof the following, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman sends the following amendment to the Clerk's desk, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JONES for the committee: Strike out all of section 35 and insert in lieu thereof the following:

"SEC. 35. That the qualified electors of Porto Rico shall consist of all male citizens of the United States 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898) who are able to read or write either the Spanish or English language, and who shall be bona fide taxpayers in their own name and in an amount not less than \$3 per annum. No person shall be allowed to vote at any election whatsoever who shall not be registered as a qualified elector, and no person shall be registered as a qualified elector unless he shall have the qualifications herein specified and shall further comply with such regulations as may be hereafter enacted by the Legislature of Porto Rico."

Mr. JONES. Mr. Chairman, I merely wish to state that during the general debate upon this bill it was developed that this section was defective in some respects, and the gentleman from Iowa [Mr. TOWNER], the ranking member of the minority of the committee, and I undertook to redraft it. The amendment which I send to the desk is intended to cure the defects that we then discovered in the section. For instance, the section as it appears in the bill would require that the voter must be able to read and write and also must be a taxpayer to an amount not less than \$3 per annum. That was not the intention of the committee in drafting the bill. The intention was to make the provision in the disjunctive and not in the conjunctive. It was not the purpose of the committee to add a property qualification to an educational one. A voter possessing either qualification should be permitted to vote. As the language is written in the bill, he would have to possess both the property and the educational qualifications.

Mr. TILSON. As I heard the gentleman's amendment, it did not seem to me it provided for any residence in Porto Rico at all. Did it not simply say that any citizen of the United States should be an elector? Should it not provide that he should reside in Porto Rico?

Mr. JONES. It provides that the qualified electors of Porto Rico shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws to be hereafter enacted.

Mr. TILSON. Should it not say something about residence in Porto Rico?

Mr. JONES. There is nothing said as to residence in this bill.

Mr. TILSON. Was it not the intention to make it so?

Mr. JONES. I will say to the gentleman that all voters have to be registered, and the power and authority is conferred upon the legislature to provide for their registration. This bill simply undertakes to provide for the qualifications of voters, and the legislature has conferred upon it the authority to provide for registration, and so forth.

Mr. MANN. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. MANN: After the word "citizens," insert the words "without regard to sex"; and before the word "citizens" strike out the word "male."

Mr. MANN. Mr. Chairman, I offer an amendment to perfect the text of the bill.

The CHAIRMAN (Mr. FOSTER). The gentleman from Illinois offers an amendment to perfect the text. The Clerk will report it.

Mr. JONES. Mr. Chairman, does the gentleman offer two amendments?

Mr. MANN. One is an amendment to the amendment and one is to perfect the text of the bill.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois to perfect the text of the bill.

The Clerk read as follows:

Amendment offered by Mr. MANN: On page 28, line 12, after the word "enacted," insert the words "and no discrimination shall be made as to sex."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. STAFFORD. Mr. Chairman, I wish to be heard before that very important amendment shall be put to a vote.

Mr. KEATING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEATING. The vote will come, first, on the amendment to perfect the text, and after that is voted on an opportunity will be afforded to vote on another amendment to perfect the text, will it not?

The CHAIRMAN. The vote will first come on the amendment to the amendment.

Mr. MANN. No; the first will come on the amendment to perfect the text.

The CHAIRMAN. The first will come on the amendment offered by the gentleman from Illinois.

Mr. JONES. The first vote will come on his amendment to perfect the text.

Mr. MANN. That is the rule.

The CHAIRMAN. Yes; that is correct.

Mr. LONDON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONDON. May I offer in the form of a substitute an amendment?

The CHAIRMAN. To what?

Mr. LONDON. To retain section 35 as it appears in the original bill, and to strike out that part of section 35 which begins on line 14 with the word "age," and then strike out lines 15 and 16 of section 35.

The CHAIRMAN. It will be in order for the gentleman from New York to offer an amendment after the amendment of the gentleman from Illinois has been disposed of.

Mr. LONDON. It will not be in order to offer it at this time?

The CHAIRMAN. Not at this time.

Mr. JONES. Mr. Chairman, does the gentleman from Illinois [Mr. MANN] desire any prolonged discussion of these amendments?

Mr. MANN. No. I am willing to vote right now.

Mr. JONES. I will ask, Mr. Chairman, that by a unanimous-consent agreement the debate on these amendments be closed in 10 minutes.

Mr. MANN. Very well.

Mr. KEATING. Reserving the right to object, Mr. Chairman, that would not close debate on other amendments to the section?

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the debate on these two amendments be closed in 10 minutes.

Mr. MANN. The debate on my amendments, not on that of the gentleman from Virginia.

Mr. KEATING. To close debate, as far as the amendments of the gentleman from Illinois are concerned, but that would not apply to the right of the gentleman from New York [Mr. LONDON] to offer his amendment?

Mr. MANN. That would not affect his right to offer further amendments.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES. I suppose the gentleman from Illinois wants to use his time. I would like to close the debate on this proposition.

The CHAIRMAN. There seems to be no one on the other side asking for recognition.

Mr. JONES. The gentleman from Wisconsin [Mr. STAFFORD] asked for time.

Mr. KEATING. Mr. Chairman, this is too important a question to be disposed of without some debate.

The CHAIRMAN. Unless some one wants to occupy the floor, the Chair will put the question.



Mr. KEATING. I am enthusiastically for it.

Mr. MANN. Mr. Chairman, I do not particularly desire to take the time to discuss the woman-suffrage amendment, the equal-suffrage amendment, which I offered. It has been discussed all over the country. If there is anyone in this House who is not familiar with it, he ought not to be here. [Laughter.] Ten minutes' discussion on the subject amounts to nothing. I think everyone is prepared to vote on the subject. That is what it is—an equal-suffrage amendment. [Cries of "Vote!" "Vote!"]

Mr. JONES. Mr. Chairman, I want to say just a word. I shall not undertake in five minutes to discuss this question of woman suffrage, but I do wish to say that I hope this committee will not undertake to force woman suffrage upon the people of Porto Rico.

As I understand it, there is no desire for it in the island. Nobody has appeared before the Committee on Insular Affairs asking for it. I do hope that the Congress of the United States will not undertake to force woman suffrage upon the people of Porto Rico, and that Representatives upon this floor, simply because they have woman suffrage in their own States, will not undertake to fasten it upon a people who do not desire it, who have never asked for it, and who have never shown any disposition to have it.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. JONES. I certainly will.

Mr. KEATING. I wanted to ask the gentleman if he consulted with the people of Porto Rico, or if the committee consulted with the people of Porto Rico, before they inserted in this section a provision which will disfranchise 60 per cent of the voters of Porto Rico?

Mr. JONES. This subject was somewhat discussed by Porto Ricans who appeared before our committee, most of whom, I think, favored some restrictions upon the suffrage.

Mr. KEATING. The gentleman does not pretend, though, that the 160,000 men disfranchised have been consulted?

Mr. JONES. I will say to the gentleman that, so far as I know, only one or two persons who claimed to represent them have protested against it. But I was not discussing that proposition at this time. That is not the matter upon which the committee is called upon to vote now. I am simply saying that so far as the committee is aware there is not a single human soul, male or female, in Porto Rico demanding equal suffrage, and therefore it seems to me that the Congress of the United States ought not to undertake to force equal suffrage upon that people.

Mr. Chairman, I reserve the rest of my time.

Mr. MANN. Mr. Chairman, this bill provides that the people shall not be qualified to vote unless they can read and write or pay taxes to the extent of \$3 a year. I think that the woman in Porto Rico who can read and write or the woman who is a taxpayer there ought to have the privilege of voting. [Applause.] If all the men and all the women qualified to vote in Porto Rico under the terms of this bill do vote, the electorate there will be a smaller percentage of the population than there is now in any State in the Union; and when you attempt to cut down the electorate all along the line, and give the franchise only, as you say, to intelligence or property, then beyond all question you ought to give it to women. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 63, noes 33.

Mr. JONES. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. JONES and Mr. MANN.

The committee again divided; and the tellers reported—ayes 60, noes 37.

Accordingly the amendment was agreed to.

The announcement of the result was received with applause.

The CHAIRMAN. The vote now comes on the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, debate is limited on these two amendments.

Mr. JONES. Mr. Chairman, I understand that this is the amendment offered by the gentleman from Illinois.

Mr. LONDON. Mr. Chairman, I have an amendment to the text.

Mr. MANN. I hope the gentleman from New York will reserve it until this amendment is disposed of. It will be in order after my amendment is voted on.

Mr. GARRETT. Let us see about that. What is the amendment?

Mr. MANN. His amendment will be in order after this amendment is disposed of.

Mr. GARRETT. I do not know whether it will or not. I have not heard the amendment read.

Mr. MANN. I know it will.

Mr. GARRETT. Well, let us hear it read. We will see about that.

The CHAIRMAN. Does the gentleman from New York [Mr. LONDON] offer an amendment to perfect the text of the bill as now printed?

Mr. LONDON. Yes.

Mr. MANN. We had a unanimous-consent agreement to close debate on these two amendments.

Mr. GARRETT. That is quite correct; but, Mr. Chairman—  
The CHAIRMAN. As the Chair understands it, the gentleman from New York offers an amendment to the substitute offered by the gentleman from Virginia.

Mr. MANN. But the gentleman from New York will be entitled to offer an amendment to perfect the text after my amendment is disposed of.

Mr. GARRETT. Mr. Chairman, an amendment to perfect the text takes precedence.

Mr. MANN. It certainly takes precedence except for the unanimous-consent agreement. If there is debate, after you have made this agreement, you certainly will not get any more agreements.

Mr. GARRETT. The only unanimous-consent agreement was to close debate.

Mr. MANN. The gentleman's amendment will be in order after this amendment is disposed of.

Mr. LONDON. I will offer it as soon as the amendment of the gentleman from Illinois is disposed of.

The CHAIRMAN. The question is on the amendment to the substitute offered by the gentleman from Virginia.

Mr. MONDELL. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. I desire to offer an amendment perfecting the text of the amendment offered by the gentleman from Virginia [Mr. JONES]. I desire to know whether such an amendment is now in order.

The CHAIRMAN. It is not.

Mr. MONDELL. Will such an amendment be in order later?

The CHAIRMAN. It will be in order. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN] to the substitute offered by the gentleman from Virginia [Mr. JONES].

Mr. STAFFORD. May we have that amendment reported again?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "citizens," in the amendment offered by Mr. JONES, insert the words "without regard to sex"; and before the word "citizens" strike out the word "male."

The CHAIRMAN. The question is on the amendment just reported.

The question being taken, on a division (demanded by Mr. JONES) there were—ayes 51, noes 36.

Accordingly the amendment was agreed to.

The announcement of the result was received with applause.

Mr. JONES. Now, Mr. Chairman, I suppose the vote comes on my amendment as amended.

Mr. MANN. The amendment of the gentleman from New York [Mr. LONDON] is now in order.

Mr. LONDON. Mr. Chairman, I ask that my amendment be read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. LONDON].

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 28, line 14, strike out the words "and who is not," and also strike out all of lines 15 and 16.

Mr. LONDON. Mr. Chairman, this opens up again the question whether the unit of society is the human being or property. If you adopt the amendment which I now propose, you will eliminate the most objectionable feature of the bill. If you permit it to stand as recommended by the committee, you will disfranchise three out of every four voters in Porto Rico.

The people of Porto Rico have been exercising the franchise for 14 years. We are not called upon to confer a new right or a new privilege. We are asked to take away a right that people have enjoyed for 14 years. You have heard from the representative of Porto Rico that his people take an intense interest in elections, that for months prior to an election they debate and discuss and analyze the issues involved in the campaigns, and now you attempt to separate the Porto Rican people into two classes. One class is to make the law and the other class is to obey it. One class is to rule, the other class is to be

ruled. According to the testimony of every man who appeared before the Committee on Insular Affairs, a tax of \$3 will disfranchise 165,000 people out of a total of 205,000 voters. I can not understand on what principle you defend the action of the committee. I presented the subject to you before, and I ask you to think twice before you put yourselves down as reactionaries and as willing to bring back to life the principle that property and not man shall rule.

The bill is both unwise and reactionary. It is unwise because it forces upon the Porto Ricans United States citizenship, when almost all the Porto Ricans, with the exception, as I am informed, of a small labor and Socialist group, crave Porto Rican citizenship under the protection of the United States. It is not for us to say whether the Porto Ricans are foolish or wise in their preference for Porto Rican sovereignty. In dealing with national aspirations you deal with matters of the heart, which do not lend themselves to calculating logic.

It is more than probable that if no attempt is made to graft upon them American citizenship that in the very logic of events and by the very force of its own growth and development Porto Rico will consider it a privilege to become an integral part of the United States. The wisest course, then, would be to give them the greatest possible measure of self-government consistent with the exercise of protection by an elder brother over a younger one. They would then become the makers of their own fate. The inexorable law of life would lead them to merge into the people of the United States.

We do not only impose upon them American citizenship but we force upon them theories of government which have long ago been repudiated by the progressive forces of American democracy.

The bill provides that no person shall be a member of the Senate of Porto Rico unless (among other qualifications) he owns in his individual right taxable property in Porto Rico to the value of not less than a thousand dollars. In other words, the upper legislative body is made accessible only to the very richest. A thousand dollars is a fabulously large sum of money for Porto Rico.

Under Spanish rule the Porto Ricans were governed by the aristocracy of birth. We are imposing upon them the most despicable kind of an aristocracy, the aristocracy of pelf. No matter how cultured or educated a man may be, unless he has accumulated taxable property of the value of at least \$1,000 the proposed law will exclude him from representing the people of Porto Rico in their highest legislative body.

In some European countries, where the form of constitutional monarchy prevails and where the franchise has not yet been extended so as to cover every citizen, along with special privileges enjoyed by the man of property, homage is paid to the intellectual elements by giving representation to universities or by exempting college graduates from property qualifications.

I am pointing out this merely to show that we are less progressive in this matter than are some constitutional monarchies.

But the limit of iniquity is reached in the proposed act by the provision that no person "who is not able to read and write or who is not a bona fide taxpayer in his own name in an amount of not less than \$3 per annum" shall be allowed to exercise the franchise. According to the unanimous testimony of all who appeared during the hearings, the sum of \$3 is so onerous a tax that it will disqualify 165,000 out of 205,000 voters who participated in the last election. The present minimum tax is 3 cents.

When one but considers the miserable economic conditions prevailing in Porto Rico, where 5 cents an hour is considered a generous wage, there will be no difficulty in reaching the conclusion that the suggested tax has for its object the disfranchisement of the great majority of the working people of Porto Rico. One need but read the report of the last strike of the agricultural workers on the island—and there are 600,000 of them—to realize how utterly helpless the great masses will be when, in addition to the disadvantage of poverty, they will be deprived of the opportunity to assert their rights through the means of the ballot.

It may be worth while to quote here from the report of the United States Commission on Industrial Relations that: "As a result of the low-wage standard, the diet of the laborers, consisting chiefly of rice, beans, codfish, and plantains, is so miserably inadequate that the worker not only is rendered inefficient but to a large extent undernourished;" that "there are nearly 200,000 children for whose education no provision has been made"; that "the great majority of the Porto Ricans are landless, the land being owned by corporations, wealthy landlords, and the colonial government and municipalities."

How big a sum a \$3 tax is in Porto Rico one can appreciate only when he reads that "A majority of the rural workers live in huts which do not cost more than \$10 to build."

For more than 50 years after the adoption of the Federal Constitution, the various States of the Union struggled to rid themselves of the antiquated property qualifications which hampered the growth of democracy. Dorr's Rebellion in Rhode Island in 1842 resulted in abolishing a system of voting which limited the franchise to landlords and to their first-born sons. Manhood suffrage is at least theoretically recognized as the very foundation of democracy. Many States of the Union and several European nations have extended the franchise to woman. Universal suffrage is inevitable.

You seek to reverse the law of progress, so far as Porto Rico is concerned. What the American States have freed themselves from, after long and painful effort, you now seek to foist upon Porto Rico. As it is, wealth has a tremendous advantage over poverty. You make the wealthy class so much stronger by conferring upon them the exclusive power of making the law of the land. By law you divide the Porto Ricans into classes. One class is to make the law, the other is to obey. The few are to command; the many are to serve. Such are the principles which the Congress of the United States promulgates in the year 1916. What a strange sort of democracy! What a peculiar kind of republicanism!

I challenge your right to endow property with the franchise which you deny to man.

Mr. AUSTIN. Mr. Chairman, this bill comes here with the unanimous approval of the Committee on Insular Affairs—Democrats and Republican alike. It has the support, the cordial support, of the Representative of the people of Porto Rico in this House. If it is satisfactory to the citizens and the Representative of the Porto Rican people, the gentleman who represents the East Side of New York ought to hold his peace.

Mr. LONDON. Mr. Chairman, I ask that the expression "from the East Side" be stricken out. It is as if I said "the gentleman from the mountainous regions of Tennessee." I am a Representative from New York.

Mr. KEATING. Mr. Chairman, I ask that the gentleman's remarks be taken down. He said the gentleman who misrepresents the East Side. The gentleman from Tennessee is so punctilious himself and so often instructs the House—

The CHAIRMAN. The gentleman from Colorado can not proceed after he has demanded that the remarks be taken down.

Mr. BURNETT. Mr. Chairman, does the gentleman mean to say that it is a disgrace to represent the East Side?

Mr. KEATING. I will withdraw the request, Mr. Chairman; I will permit the gentleman to proceed.

Mr. AUSTIN. I do not ask the gentleman from Colorado to permit me to proceed.

The CHAIRMAN. The gentleman from Colorado withdraws his request, and the gentleman from Tennessee will proceed.

Mr. AUSTIN. I supposed that the gentleman from New York [Mr. LONDON] represented an East Side district of New York City. If he has not that honor—

Mr. BURNETT. Mr. Chairman, I think there was a misapprehension. The gentleman from Colorado understood the gentleman from Tennessee to say "misrepresents."

Mr. AUSTIN. That is a question for the people of that district to pass upon, and I take it they will do it next November. [Laughter.]

Mr. KEATING. I want to say, Mr. Chairman, that I did understand the gentleman to say that Mr. LONDON misrepresented that district. The reporter's notes will show whether I was in error or not.

Mr. AUSTIN. In the first statement I made I did not use the word misrepresent. Later on I may have used it.

Mr. KEATING. The gentleman did use it in his first statement.

Mr. AUSTIN. I did not.

Mr. LONDON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman can not make a parliamentary inquiry while the gentleman from Tennessee has the floor.

Mr. AUSTIN. Mr. Chairman, universal suffrage has been tried in Porto Rico for 14 years and has been unsatisfactory to the people of the island. They have made such representations to us, and the committee thought it was our duty to correct it. If the gentleman from New York wants to put ignorance above education, that is his right. There are 60 per cent of the people of Porto Rico of the voting age who are illiterate. There are no harsher conditions in relation to the payment of taxes in this bill than in the State of Tennessee or a large number of States of the Union, the New England States especially. By and by,



with free educational advantages in Porto Rico, they will have a great majority of the people who are going to vote who will be able to read their tickets. We do not permit ignorance to rule in the Southern States, and yet the gentleman from New York is for universal suffrage in Porto Rico regardless of the ability to read or the payment of taxes. And yet he would not dare to stand on the floor of this House and favor universal suffrage and the right of illiterates to control in South Carolina or Louisiana.

Many of the cities, counties, and congressional districts in the United States do not have universal suffrage, and yet he will advocate here, as the gentleman from Colorado proposed, universal suffrage, regardless of their ability to read and write or the payment of taxes. No man in Porto Rico who does not qualify himself to read and write and has not industry and patriotism enough to save and contribute \$3 toward the running expenses of the government ought to be placed in the position to dictate the form of government and the manner in which the government should be run.

Mr. REILLY. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. REILLY. Does this require two qualifications, or only one?

Mr. AUSTIN. He must either be able to read and write or pay taxes to the amount of not less than \$3.

Mr. REILLY. Why would not one be sufficient to protect the government?

Mr. AUSTIN. One is sufficient. He can vote if he pays taxes to the amount of \$3, or he can vote if he can read and write.

Mr. JONES. At the present time the people control only one branch of the legislature. This bill confers upon them the right to elect both branches, and we thought that when we have extended them that right we ought to put these reasonable restrictions in.

Mr. AUSTIN. I thank the chairman of the committee for his statement. This is a forward and advanced step in giving the people of Porto Rico the right to manage their local affairs, and it should receive the undivided support of this House. It is a piece of splendid constructive legislation and is a credit and an honor to the distinguished gentleman from Virginia who reports the bill. It does not lie in the mouth of the gentleman from New York [Mr. LONDON] or the gentleman from Colorado [Mr. KEATING] to question the wisdom, the justice, or the patriotism of this measure, which bears the impress of this splendid man's work, the dean of this House, the gentleman from Virginia, Mr. JONES. [Applause.]

Mr. KEATING. Mr. Chairman, I am sure I have no disposition to question the patriotism or the ability of the gentleman from Virginia, the chairman of the committee. But I do not understand that when we offer amendments to this bill we are questioning the ability or the patriotism of the gentlemen who compose the Committee on Insular Affairs. A few moments ago an amendment was adopted, largely by votes on the other side of the House, led by the distinguished gentleman from Illinois, the minority leader, and I am sure he would be the last man in this House to question the ability or the patriotism of the distinguished and well-beloved chairman of the Committee on Insular Affairs.

But, Mr. Chairman, this is a fundamental question. For years the people of Porto Rico have been permitted to vote without an educational or a property qualification; and it is estimated that if the proposed restrictions are thrown about the franchise 60 per cent of the men who now vote will be deprived of the ballot. The gentleman from Tennessee [Mr. AUSTIN] states that this 60 per cent have not demonstrated their capacity to use the franchise. But I submit to this House—and I think the distinguished gentleman from Virginia, the chairman of the committee, will bear me out, and I am sure that the distinguished representative from Porto Rico will sustain me—that there is not a scintilla of evidence to sustain that assertion.

Why, one of the most distinguished residents of Porto Rico, a former Member of this House, testifying before a committee of the Senate, submitted this amazing instance to show the capacity of the people of Porto Rico for self-government: He said that in one instance 5,000 votes had been cast in a municipal election, and the result had been determined by a majority of 7 votes; and those who lost—and I think he represented the losing side—instituted a contest and expended a very considerable amount of money; and he called the attention of the committee to the fact that after weeks of endeavor they had been unable to find among those 5,000 votes 7 tainted votes. I want to submit in all candor to the members of this

committee that a better record could not be made in any American municipality.

Now, my friends, most of these men whom you will disfranchise—if you adopt the provisions of this bill or if you adopt the substitute offered by the gentleman from Virginia—are the toilers of Porto Rico. This weapon, the ballot, is the only weapon they have with which they may protect their interests, and I appeal to the Members of the American House of Representatives, without regard to party affiliations, not to take away from these men the measure of self-government which was granted them even by their Spanish rulers.

Mr. AUSTIN. Will the gentleman yield for a question?

Mr. KEATING. I wish the American people to be quite as generous in their dealing with these Porto Ricans as were the Spaniards who preceded them. I am delighted to yield to the gentleman.

Mr. AUSTIN. Why did not the gentleman favor universal suffrage in the Philippine Islands and offer an amendment to the Philippine bill to that effect?

Mr. KEATING. Mr. Chairman, if I neglected to offer such an amendment, if I voted for any restriction upon suffrage in the Philippine Islands, I did it unconsciously, because I not only believe in permitting the Filipinos to vote without regard to property qualifications or educational qualifications, but I favor giving them their independence, and I would vote that way today, and if I had an opportunity this moment to give the people of the Philippines complete independence I would deem it a very high privilege.

Mr. AUSTIN. If the gentleman was a citizen of the South, say in Mississippi, would he favor universal suffrage there?

Mr. KEATING. Mr. Chairman, I do not propose to raise the color question here at this time [laughter on the Republican side], but I will say that the gentleman from Tennessee sits on the Republican side of the House and represents the party which wrote into the Constitution the declaration that the black man should be protected in his rights. It is rather strange to hear a Republican enunciate such a doctrine, and I do not think it will meet with any vast amount of applause or approval on that side of the aisle.

Mr. AUSTIN. I beg the gentleman's pardon; I never enunciated any doctrine, but I asked the gentleman a straightforward question and he dodged the answer.

Mr. DAVENPORT. Ask him whether he did—

Mr. KEATING. No; I will not ask the gentleman any question relating to his views on the color question. I want to confine my remarks to the pending measure. I hope no restriction will be placed on the Porto Ricans' right to vote.

Mr. JONES. Mr. Chairman, I desire to say a word or two before this amendment is voted on. This question was very carefully considered by the Committee on Insular Affairs, and while I greatly appreciate the kindly things the gentleman from Tennessee [Mr. AUSTIN] has said in regard to myself, I do not and can not take credit for the insertion in this bill of the provision to which he calls attention. It was very carefully considered by the whole committee. As gentlemen know, different views are entertained as to the question of the capacity of the people of Porto Rico for self-government. The people of Porto Rico only elect one branch of their legislature at this time. The legislature to-day consists of an executive council of 11 members and of a house of delegates. The executive council is appointed by the President of the United States, and, of course, the house of delegates can not enact any law without the concurrence of the executive council.

Mr. REILLY. Will the gentleman yield?

Mr. JONES. In just one moment I will. Now, when the proposition was made to give the people of Porto Rico control of both branches of their legislature by allowing them to elect a senate as well as a house of representatives a number of Members of this House thought that was going too far. I was one of those who advocated giving them control of both branches of their legislature; other gentlemen were not willing to go so far unless a veto power was lodged somewhere, either in the governor or the President. Most of them insisted that if the people of Porto Rico were permitted to elect both branches of their legislature that certain restrictions should be placed upon the exercise of the right of suffrage. So this was a matter of compromise, so to speak. The people of Porto Rico desire more than anything else to be given the right to elect both branches of their legislature. We give them that right in this bill, but in doing so it has seemed to us that reasonable restrictions should be placed upon the exercise of the suffrage. I now yield to the gentleman.

Mr. REILLY. The gentleman states that at the present time they elect by universal suffrage one house?

Mr. JONES. I would not say universal suffrage. I had not desired to discuss that matter, but I may say here that the gentleman from Colorado [Mr. KEATING] was mistaken in saying that the people of Porto Rico enjoyed universal suffrage under Spanish sovereignty.

Mr. REILLY. What were the qualifications when we took over the island from the Spaniards?

Mr. JONES. I can not answer that question from memory. The present organic law says:

At such elections all citizens of Porto Rico shall be allowed to vote who have been bona fide residents for one year and who possess the other qualifications of voters under the laws and military orders in force on the 1st day of March, 1900, subject to such modifications and additional qualifications and such regulations and restrictions as to registration as may be prescribed by the Executive Council.

Mr. REILLY. Now, will the gentleman yield?

Mr. JONES. That has been declared to be manhood suffrage, but it is not what is generally understood to be manhood suffrage.

Mr. REILLY. What, if anything, has occurred in the exercise of the right to vote, as read by the gentleman, that would indicate the wisdom of restricting the right to vote in Porto Rico?

Mr. JONES. As I have already said, the people of Porto Rico now vote only for the members of their house of delegates.

Mr. REILLY. Have they elected good delegates?

Mr. JONES. I think in the main they have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for two minutes. I want to ask him a question.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] asks unanimous consent that the time of the gentleman from Virginia be extended two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. May I ask whether an ignorant person who can not read and write will become intelligent if he pays \$3 taxes?

Mr. JONES. I will say to the gentleman that if a man is sufficiently thrifty and has the business capacity to accumulate property sufficient to pay a tax of \$3, I think he has a sufficient stake in the land to permit him to vote. That is what I think.

Mr. LONDON. It is not a question of intelligence.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. LONDON. Division, Mr. Chairman.

Mr. COOPER of Wisconsin. May I ask to have the amendment read?

The CHAIRMAN. The amendment will be again read.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

On a division (requested by Mr. LONDON) there were—ayes 9, yeas 59.

So the amendment was rejected.

Mr. KEATING. Mr. Chairman, I desire to offer an amendment to perfect the text.

Mr. MONDELL. Mr. Chairman, I thought I had an amendment pending.

The CHAIRMAN. The gentleman has an amendment to the substitute, and this is to perfect the text. The gentleman will be recognized in time. The Clerk will report the amendment of the gentleman from Colorado [Mr. KEATING].

The Clerk read as follows:

Page 28, line 15, after the word "write," strike out the remainder of the section.

Mr. GARRETT. Mr. Chairman, that has been stricken out.

Mr. KEATING. Mr. Chairman, this amendment if adopted will strike out the property qualification. The amendment of the gentleman from New York [Mr. LONDON] struck out both the educational and the property qualification. My amendment will merely strike out the property qualification.

Mr. MANN. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. MANN. Under the bill, a man who can not read or write, but pays taxes, votes. The gentleman seeks to strike that privilege out. I think the gentleman offers his amendment under a misapprehension.

Mr. KEATING. I am perfecting the original text of the bill.

Mr. MANN. I am referring to the original text of the bill—who is not able to read and write, or who is not a bona fide taxpayer. That is the original bill. The gentleman is seeking to strike that out. I know the gentleman does not desire to do it.

Mr. KEATING. The gentleman is quite right when he says I do not desire to restrict the franchise. I withdraw the amendment.

Mr. MONDELL. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The CHAIRMAN. The gentleman from Wyoming offers an amendment to the substitute. Are there any more amendments to perfect the text?

Mr. LONDON. Will it be in order to offer an amendment to section 35 in the following form:

At the end of section 35 add the words "or who is not the head of a family."

The CHAIRMAN. It is in order to offer such an amendment. Does the gentleman offer the amendment?

Mr. LONDON. I do offer that amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. JONES. Has the amendment of the gentleman from Wyoming [Mr. MONDELL] been reported?

The CHAIRMAN. The gentleman from New York offers an amendment to perfect the text of the section, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONDON: Page 28, line 16, at the end of the section add the words "who is not the head of a family."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. MANN. I would just like to ask the gentleman from New York, for information, if, in view of the amendment just agreed to, whether he would always be able to determine the head of the family or not? [Laughter.]

Mr. LONDON. I think the gentleman from Illinois has put a very embarrassing question, and has put the whole House in an embarrassing position with his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LONDON].

Mr. DAVIS of Texas. Mr. Chairman, I do not want to let this whole discussion go without saying something. In the committee the matter that presented itself seriously to me was the question that we were not only regulating a right to vote, while we enlarged the scope of the representation in legislative matters, our proscription as to the vote would necessarily disfranchise a large element of the population that is now voting. I realize that that is a dangerous proposition to a people that you are governing at long distance. And so I offered practically in committee the amendment of the gentleman from New York [Mr. LONDON], defining what qualifications for voting should be; that he could vote when he paid taxes to the amount of \$3, or could read and write, either the English or the Spanish language, or was the head of a family, a householder, under the rules and customs of the country. That is practically the qualification for a juror in my State. The State of Texas in qualifying a juror asks him if he can read and write, or if he is a householder, the head of a family; and if he is the head of a family, whether he can read or write or not, he is qualified as a juror. And so I undertook to put that qualification to the voters in this bill, but the Committee on Insular Affairs disagreed with me and unanimously agreed on the measure as it is. I just wanted to make my position clear, so that it would be understood.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LONDON].

The question was taken, and the amendment was rejected.

Mr. JONES. Now, Mr. Chairman, if all the amendments to the text have been disposed of—

The CHAIRMAN. They have been—

Mr. JONES. Inasmuch as the amendment offered by the gentleman from Illinois [Mr. MANN] on the subject of woman suffrage has been added to the text, I would like to withdraw my amendment.

Mr. MANN. It has been added to both.

Mr. JONES. Yes. I suppose the object the gentleman had in view has been subserved by putting it in the text, and I suppose he has accomplished what he wants; and I ask unanimous consent to withdraw the amendment.

Mr. MANN. I probably will not object. The gentleman from Virginia offered an amendment because he thought there ought to be some change, so far as woman suffrage is concerned; it is in both alike.

Mr. JONES. Yes.

Mr. MANN. If there was any reason for offering the substitute before, that reason still exists. Of course if there was no reason for it—



Mr. JONES. There was a reason for it, but I do not think it exists now, inasmuch as the text has been perfected by the gentleman from Illinois.

Mr. MANN. Both the text and the amendment have been perfected. If there was any reason for offering the substitute that reason still exists. I can see but one reason why the gentleman wants to withdraw it. He would not want a roll call in the House to vote against his own amendment. There is no other reason.

Mr. JONES. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. It can only be withdrawn by unanimous consent. Is there objection?

Mr. MANN. I object.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Amendment offered by Mr. MONDELL to the amendment offered by Mr. JONES: Amend the amendment offered by the gentleman from Virginia [Mr. JONES] by adding at the end thereof the following: "Provided, That nothing herein contained shall be held to deprive any person of the right to register and vote who has heretofore legally exercised those rights under the laws of Porto Rico."

Mr. JONES. Mr. Chairman, a point of order. I would like to ask if this amendment is in order. The amendment offered by the gentleman from New York [Mr. LONDON] was not in this language, but it was substantially this amendment, and it was designed to accomplish exactly the same purpose. I had not supposed the gentleman would want to offer this after the House had—

Mr. MANN. Even supposing that to be true, one amendment was an amendment to the text of the bill and the other was to the substitute.

The CHAIRMAN. The Chair thinks this amendment is clearly in order. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I hope the committee will accept my amendment. I am in favor of the educational qualification which the committee provides for, both in the original text of the bill and in the substitute offered by the gentleman from Virginia [Mr. JONES]. I think that under existing conditions in Porto Rico that is a very excellent provision.

But here is the question we are confronted with: Right or wrong, a number of years ago we granted to the people of Porto Rico universal male suffrage, and under that provision of law those people have been voting for a considerable number of years. Now, granting for the sake of argument that in proposing to turn over to them a complete control of their affairs we are wise in the view that it is necessary somewhat to limit the right of franchise, should we in so doing disfranchise those who have already exercised that right?

I am one of those who hold perhaps an extreme view with regard to these matters of the franchise. I doubt if under a republican form of government in a representative government there resides anywhere authority to take the right of franchise from those to whom it has once been granted, except as a punishment for crime. You may modify conditions of franchise with regard to the new voter. We did that in my State when we adopted our State constitution. We provided the qualifications for the elector of the future, but we made no effort to disfranchise those who had been voting up to that time.

Now, gentlemen will say that it is important that we should modify the qualifications for the franchise in Porto Rico even to an extent and in a way that will disfranchise about 30 to 35 per cent of the people, now that we are giving them virtually self-government. Does the fact that the committee has agreed to such a provision indicate the necessity of it to the extent of disfranchising many voters? Not necessarily. It does indicate a view on the part of the committee that in the running of years that shall come the qualifications they propose should govern, but there has been no evidence before the committee to the effect that those people, even the illiterates, have not reasonably discharged their duty as electors, and my amendment simply provides that, retaining all the qualifications proposed by the committee for the future, we shall still not disfranchise the man who has had the right to vote in the past. I do not believe we have any authority to do it. But whether we have or not it is not necessary to do it. The number of these illiterates or nonproperty-holding electors will decrease very rapidly.

I well remember when we adopted an educational qualification in my State. The number of illiterate voters was very small, to begin with, not over 2½ per cent; but the number of

those illiterates who had been voters and had continued to exercise the right under our constitutional provision decreased rapidly, and they became at once a marked set of voters, different from the others, separate and apart, and they hesitated somewhat about offering their ballot under those circumstances.

So that while we had a small per cent of illiterate voters prior to the adoption of that amendment, and those men were still qualified to vote, the number of those illiterates who did vote decreased in the first election, and in a very short time practically none of those illiterate voters attempted to exercise the right of the franchise. But we did save ourselves from the charge that we had attempted to take away from a voter a right which had been at one time granted, and we passed to the new order of things without resentment on the part of anyone, for we took no right from anyone, we made the change without criticism of the new provision because it wronged no one. We did justice, and we secured the conditions that we desired. Let us do the same in Porto Rico. In providing new qualifications for voters let us refrain from doing injustice and wrong to a large body of those now exercising the right of franchise.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from Virginia if there is any provision in this bill concerning elections, how they are to be regulated, and so forth?

Mr. JONES. Matters of registration and everything pertaining to the conduct of elections are left to the Legislature of Porto Rico.

Mr. COOPER of Wisconsin. In my judgment, we ought to provide in this law that elections in Porto Rico shall be by ballot. Experience has taught me, and what I have read has confirmed the teachings of experience, that we ought to put a stop to voting by machines. I think the gentleman from Illinois [Mr. MADDEN] can tell what they have learned about such voting in the city of Chicago, after awarding a million dollar contract for machines.

Mr. MADDEN. Does this bill provide for voting by machines?

Mr. COOPER of Wisconsin. No; but it would permit that method of voting.

Mr. MADDEN. It ought to prohibit it.

Mr. MONDELL. The amendment has no relation to the matter of voting by machines.

Mr. MADDEN. If the gentleman will allow me, I will say that the election commissioners of the city of Chicago contracted for a million dollars worth of voting machines, and they put them into operation in some of the wards in the city, and upon investigation it was proved beyond any doubt that if anyone wished to reverse the will of a voter and to cause his vote to be recorded against the man whom he supposed he was voting for all it was necessary to do was to have some one put a thin slip of paper behind one of the keys, and when the voter pressed the key to vote for the candidate for whom he intended to vote his vote would be registered against that candidate, and so do exactly the reverse of the thing that the voter wanted to do and that he was expecting to do. The result was that upon the investigation of the question by the legislature of our State the board of election commissioners of Chicago were compelled to throw this \$1,000,000 worth of voting machines into the junk heap so that the people of our city might have a right to vote according to the way they believed they were voting.

Mr. COOPER of Wisconsin. In line with what the gentleman from Illinois [Mr. MADDEN] has said, a former Member of this House told me that his own defeat was due to the fact that there was what he denominated crooked work in the manipulation of voting machines at the election. He was beaten by a very small majority, only one vote, I think. He said there was no question whatever that in certain wards the machines were fixed to defeat him, possibly in the manner just indicated by the gentleman from Illinois [Mr. MADDEN].

And, Mr. Chairman, in this connection there is this other thing to which I wish to call attention. You have voted and I have voted by pulling the lever of a machine, and yet neither you nor I could make an affidavit as to whom we voted for nor as to whether we had voted at all.

Mr. MADDEN. You could not see.

Mr. COOPER of Wisconsin. When you mark a ballot with a pencil, hand your ballot to an election official, and see him deposit it in the box you know for whom you have voted. But when you vote by pulling the lever of a machine you see no record made nor can you tell for whom you have voted, nor, as I have said, whether you have voted at all. You trust it all to a machine made by some other man, a machine which has been

in the possession of other people all of the time and about the workings of which you know nothing. As has just been narrated by the gentleman from Illinois [Mr. MADDEN], the city of Chicago canceled a contract for \$1,000,000 worth of voting machines because, after a thorough test, it was found that by inserting pieces of paper in the machines they could be used absolutely to defeat the will of the voters.

This is not a trifling matter. On the contrary, it is of very great importance. We should not permit the Legislature of Porto Rico to enact a law that would allow the use of voting machines in the island.

Mr. TEMPLE. Why would it not be as easy to protect the machines against improper manipulation as it would be to protect the count of the ballots? It is not the machine that ought to be thrown away, but the man who manipulated it so as to produce a false result ought to be locked up.

Mr. COOPER of Wisconsin. I do not know how the gentleman from Pennsylvania feels about it, but when I mark a ballot and hand it to the election official, and see him put it into the box I know that, so far as I am concerned, I have voted for the candidate of my choice; but when I pull the lever of a machine, I see no record made and do not know for whom I have voted. I could not make an affidavit that I had actually voted for any person.

Mr. KING. Will the gentleman permit a suggestion?

Mr. COOPER of Wisconsin. Yes.

Mr. KING. I want to state for the information of gentlemen that I happened to be a member of the committee of the Illinois Legislature that investigated that subject. It was proven there beyond question that those machines could be manipulated, that they could be arranged so that at least 10 votes could be added for a particular candidate before the voters started to vote in the morning, and in that way favor the candidates whom those manipulating the machines desired to see elected.

Mr. MADDEN. Not only that, but they could manipulate the machines so as to defeat the will of the voter and make his vote be registered for the opponent of the man whom he desired to support.

Mr. KING. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MONDELL. I am not going to object to the gentleman from Wisconsin discussing something that is not before the House, but I have an amendment pending, and I am afraid Members will conclude that my amendment has something to do with voting machines. It has not; it has something to do with disfranchisement. I do not want my amendment to get mixed up with the voting machines, and I would like to have the gentleman from Wisconsin say something in favor of my amendment.

Mr. COOPER of Wisconsin. I had intended to reach that later in the discussion. [Laughter.] Mr. Chairman, the statements of the two gentlemen from Illinois, Mr. KING and Mr. MADDEN, are of extreme importance. I repeat that it is most important to the people of Porto Rico that these crooked machines shall not be installed for voting purposes in that island. We can make a sufficient educational test if we require that the vote shall be by the Australian ballot and prohibit the giving of assistance to voters in marking their ballots. That would constitute an excellent educational test.

Mr. MONDELL. If you adopt the educational test you would not disfranchise those who have already been voting?

Mr. COOPER of Wisconsin. Oh, no. The people there are civilized, so civilized, I will say to the gentleman from Wyoming, that in the island of Porto Rico years ago, when they bought and sold slaves, they voluntarily taxed themselves, raised money to the aggregate of \$16,000,000, paid for all of the slaves, and made them free. That is better, far better, than we did in the United States, for we killed hundreds of thousands of our own people before we could free the slaves.

In Porto Rico the population is homogeneous; the island is in size only about 90 miles by 40 miles; it is close to our shores, and when the Panama Canal is opened is going to be made a very busy spot by the shipping of the world, which will stop there on its way to and from that great waterway. The people of Porto Rico are abundantly able to elect their legislature in both branches, but I am in favor of prohibiting them from voting by machinery and of requiring them to use the Australian ballot.

Mr. HOWARD. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. HOWARD. I have enjoyed the gentleman's dissertation on inanimate machines. The gentleman does not have any reference to the human machine which is built up all over the country?

Mr. COOPER of Wisconsin. No; you do not work the human machine with a lever; you do that with the pocketbook. [Laughter.]

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that my amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again reported the amendment as follows:

Amend the amendment of the gentleman from Virginia [Mr. JONES] by adding at the end the following: "Provided, That nothing herein contained shall be held to deprive any person of the right to register his vote who has heretofore legally exercised this right under the laws of Porto Rico."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken; and on a division (demanded by Mr. MONDELL) there were 27 ayes and 51 noes.

So the amendment was lost.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word.

Mr. JONES. Mr. Chairman, I ask that all debate on this amendment and amendments to the amendment close in five minutes.

Mr. HUDDLESTON. I will say that it is my intention to offer an amendment later, so that I shall feel obliged to object to the request.

Mr. JONES. The gentleman will be recognized. How much time does the gentleman want?

Mr. HUDDLESTON. I want five minutes now and five minutes on my amendment when I offer it. I suggest to the gentleman that we let the amendment be offered at the proper time and then make an agreement.

The CHAIRMAN. Has the gentleman from Alabama an amendment to offer?

Mr. HUDDLESTON. I now move to strike out the last word, and I will offer an amendment later.

The CHAIRMAN. The gentleman will proceed.

Mr. HUDDLESTON. Mr. Chairman, it seems to me the fundamental mistake we are making this afternoon is in undertaking to dictate to the people of Porto Rico who shall vote and who shall not vote in those islands. Many of us have never been in Porto Rico, many of us have never seen a Porto Rican except the distinguished Porto Rican Commissioner who is here this afternoon, and practically none of us have any knowledge of the conditions that exist in that island. How, then, can we assume the knowledge that will enable us to say for that people who shall and who shall not vote? I assert that the whole proceeding is undemocratic and, even more, it is un-American.

It is fundamental in this country that just governments derive their powers from the consent of the governed. It is just as fundamental that you have no right to interfere with the right of the people to local self-government unless it is absolutely necessary for the good of the whole people of the Nation.

Now I ask, Is it necessary for the good of the whole of the people of the United States that we shall dictate to the people of Porto Rico as to which of them may vote? I assert that there is nothing of the kind, no such condition as this. In your State, Mr. Chairman, in the State of every gentleman here, the people would resent bitterly any attempt on the part of the Congress to prescribe the qualification of voters. In my section of the country the right of the people of the separate States to fix such qualifications is regarded as sacred, as the ark of our liberties; and any man who would lay his hand on the right of Alabama to govern itself, anybody who would assume to dictate to Alabama what part of her citizenship should vote and what part should not vote would, if we had our will, meet the fate of the man of old when he laid his hand upon the ark of the covenant. I am willing to concede to the people of Porto Rico the same rights that I claim for my own people. I am even willing to insist that they shall have exactly the same measure of political freedom, the same right of self-government that the people of Alabama have, and I say that to the people of Porto Rico should be left the question as to who shall enjoy the right of franchise. I insist that we ought to give to the people of Porto Rico who now have the right to vote the right in some fair and proper way to meet together and fix the qualifications of voters. Unless we do so, we will betray the fundamental principles of Americanism; we will betray the real democracy.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. HUDDLESTON. I will.

Mr. MONTAGUE. I desire to ask the gentleman if we have not uniformly fixed the right of suffrage in the Territories of America?

Mr. HUDDLESTON. I am not able to say; but I am able to tell the gentleman that never have we undertaken to say to the



people of any Territory of the United States that they should not have in future, when they become a State, the right to fix the qualifications of voters.

Mr. MONTAGUE. Will the gentleman permit me another question?

Mr. HUDDLESTON. In just a moment.

Mr. MONTAGUE. I think the gentleman misapprehended my question.

Mr. HUDDLESTON. I do not think I did. We do not contemplate that Porto Rico shall become a State of this Union. There is not a gentleman here who has any such idea in his mind. The organization of a Territory is a temporary thing. It is intended merely to give the people a form of government until the time shall come when they shall have the population to organize as a State and to legislate for themselves. Nothing of the kind is contemplated here. We are passing an organic act, we are fixing a permanent form of government for the people of those islands, and I insist that they shall be allowed, that they themselves shall be allowed, to say who shall take part in that government.

Mr. LLOYD. Is it not true we have provided the form of government in Alaska, that we have provided a different one in Hawaii, and have not we provided a different one still in the Philippine Islands, and is it not true that in Porto Rico there is a different condition existing than in any of these other places?

Mr. HUDDLESTON. I think so.

Mr. LLOYD. And this Government—

Mr. HUDDLESTON. But I think entirely different conditions obtain in Porto Rico than those which obtain in the Philippines. The people of Porto Rico are of our race, they are people who inherit an old civilization—a civilization which may be fairly compared to our own.

Mr. LLOYD. In every Territory of the United States, the United States Government has fixed the qualifications of voters.

Mr. HUDDLESTON. Mr. Chairman, the gentleman by his question evades the proposition I lay down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Wyoming in the way of a substitute to section 35.

Mr. HUDDLESTON. Mr. Chairman, I ask that the amendment be again reported.

The amendment was again reported.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In view of the statement of the gentleman from Alabama that the State of Alabama would not permit the gentleman's government in any way even to influence the right of the State of Alabama to determine who shall vote in that State, I suggest that he would read the fifteenth amendment to the Constitution of the United States:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude.

I am inclined to think they do not know there is such a provision in the Constitution.

Mr. HUDDLESTON. Does the gentleman mean to say that provision of the Constitution of the United States is acceptable to the people of Alabama?

Mr. MANN. I mean to say that the United States have imposed that provision on the State of Alabama; and does the gentleman mean to say that the State of Alabama and its citizens refuse to obey the Constitution of the United States in its entirety?

Mr. HUDDLESTON. I say that we obey that provision with extreme reluctance. I say, furthermore, that never in the history of this country, with the consent of the people of Alabama, will any amendment to the National Constitution similar to that read by the gentleman be adopted.

Mr. MANN. With the consent of Alabama. This bill may not be adopted with the consent of Alabama. Well, the Government will run.

Mr. JONES. Has all debate on this been exhausted?

The CHAIRMAN. The debate has been exhausted.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The question is on the substitute of the gentleman from Virginia.

Mr. COOPER of Wisconsin. I do not understand—

The CHAIRMAN. The parliamentary situation is this—

Mr. COOPER of Wisconsin. I desire to perfect the text in the original—

The CHAIRMAN. By unanimous consent amendments were offered to the text and exhausted, and then the question of a substitute was under consideration, and one amendment has been offered to that. Now, the question under consideration is the substitute as offered by the gentleman from Virginia, as amended.

Mr. COOPER of Wisconsin. Then I offer it as an amendment at the end of the substitute proposed by the gentleman from Virginia.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the substitute insert the following: "All elections under the provisions of this act and of laws enacted in pursuance thereof shall be by ballot."

Mr. COOPER of Wisconsin. Mr. Chairman, I think there can be no objection to that amendment.

Mr. JONES. Mr. Chairman, if I had my way about it I would much prefer having it written in the organic law that all voting should be by a viva voce vote. I should much prefer that to the ballot, but I think that is a matter that ought to be left to the people of Porto Rico.

We have not undertaken in this bill to go into matters of detail as to registration, as to whether they shall have the ballot, or whether, if they have it, it shall be provided by the state or the candidates, and all that sort of thing. We think the Porto Ricans, as the gentleman does, have sufficient intelligence to decide for themselves whether the voting shall be viva voce or whether it shall be by ballot, or how it is to be done. I have no doubt in my own mind but that it will be done by ballot. I prefer, however, the viva voce system of voting.

Mr. COOPER of Wisconsin. I am surprised to hear the gentleman from Virginia suggest the possibility of viva voce voting. A man that runs a great plantation in Porto Rico could vote every one of the employees on that plantation. All he would have to do would be to stand around and indicate to them how he desired them to vote and they would vote that way, not vote at all, or not work on his plantation.

Mr. JONES. May I ask the gentleman a question?

Mr. COOPER of Wisconsin. Yes.

Mr. JONES. I will ask the gentleman if he does not remember a contested-election case before this House some years ago—he was here at the time—when the evidence showed that the representatives of certain great packing houses stood near the ballot boxes and handed ballots out to the voters, to the number of several hundred in one single precinct? The voters were unable to read the English language, and they accepted their ballots from the agents of their employers.

Mr. COOPER of Wisconsin. Yes, Mr. Chairman. I do not remember that particular instance, but I know of such cases having happened many years ago; but, fortunately, throughout the whole North they are impossible now. The secret-ballot system has done away with that. If I may, in this connection, be permitted to do so, in reply to the gentleman from Virginia, I will narrate a little personal experience.

On an election day in the afternoon I was seated in my office drawing a complaint when in came a man and his wife. I had been his attorney in a suit that he had thought of some importance. He said, "Hal, I am sorry I can not vote for you." I replied, "That is all right whether you can or not. Vote as you please." "Oh, no," he said, "I want to vote for you, but I can not get near the polls without showing my ballot. Three or four heelers are there, and everybody who comes up has to show his ballot." I went with him to his precinct. There was a long line of voters waiting for an opportunity to vote, with heelers at intervals on each side. One of the largest of these stood there, and as the men came up shouted, "Make them show their ballots. Make them show their ballots." Other heelers would make them show their ballots. Many of the voters dropped out one by one. It happened that I was elected to the State senate that year, and as soon as possible I went to work to devise an election law to stop that sort of thing. So I drafted and introduced the bill which became a law and first established the secret-ballot system in Wisconsin, and since then we have never had that sort of abuse at elections. What the gentleman from Virginia [Mr. JONES] said was true everywhere before we had the secret-ballot system, but it is true no more. If you revive the viva voce system you restore those abuses and a thousand others still more aggravated. You will have intimidation. You will have the man with a mortgage on another's place watching the mortgagor as he votes. An employer who happens to be tyrannical in his disposition—not all employers are that way—will see to it when his employees vote viva voce that they vote as he wants them to vote or that they shall not work for him. Secret voting must be maintained

in the United States of America if this Republic is to endure. Let the men who would corruptly use money buy or try to buy voters. The voters will have the secret ballot and the would-be buyer can not see the vote delivered. Therein we are safe. But the minute you do away with ballots and have a lot of poor men stand up and say "I vote this way," and another man has it in his power to say "You vote the other way or you get your pay check and quit to-morrow," you restore the system that never ought to have been even suggested by the gentleman from Virginia. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin to the substitute offered by the gentleman from Virginia [Mr. JONES].

The question was taken, and the chairman announced that the "noes" seemed to have it.

Mr. COOPER of Wisconsin. A division, Mr. Chairman.

The committee divided, and there were—ayes 27, noes 42.

So the amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Virginia [Mr. JONES].

Mr. HUDDLESTON. Mr. Chairman, I would like to have that reported.

The CHAIRMAN. The Clerk will report the substitute.

The substitute was again read.

Mr. COOPER of Wisconsin. A parliamentary inquiry. If it requires another amendment to strike out section 35, it will be in order after the substitute is acted on?

The CHAIRMAN. The committee closed the consideration of section 35 to perfect it, and then the question came up on the substitute.

Mr. COOPER of Wisconsin. I desire to offer an amendment now.

The CHAIRMAN. To the substitute?

Mr. COOPER of Wisconsin. To the section.

The CHAIRMAN. It is not in order to offer an amendment to the section.

Mr. HUDDLESTON. Mr. Chairman, I desire to offer an amendment to the substitute.

The CHAIRMAN. The gentleman will send it to the Clerk's desk.

The Clerk read as follows:

Page 28, line 12, after the word "enact," strike out all of the remainder of section 35.

Mr. HUDDLESTON. I have not the substitute before me, Mr. Chairman. I want to strike out the portion that describes the qualifications of voters.

The CHAIRMAN. There is apparently no place in the substitute where this amendment would apply.

Mr. HUDDLESTON. The portion of the substitute prescribing the qualifications of voters is the one I wish to strike out.

Mr. DAVENPORT. Evidently it is desired to strike out all after the word "enacted" on line 12.

The CHAIRMAN. The Chair will state that the gentleman's amendment, so far as the Chair is able to understand it, can not be inserted in the substitute at an appropriate place.

Mr. HUDDLESTON. I have not the substitute before me.

Mr. MANN. Oh, we shall never finish the bill at this rate. I ask for the regular order, Mr. Chairman.

The CHAIRMAN. The regular order is the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON], which the Clerk will report.

The Clerk read as follows:

Amend the substitute by striking out all after the words "per annum."

Mr. JONES. Mr. Chairman, will the Clerk report the words to be stricken out?

The CHAIRMAN. The Clerk will report the words to be stricken out.

The Clerk read as follows:

No person shall be allowed to vote at any election whatsoever who shall not be registered as a qualified elector, and no person shall be registered as a qualified elector unless he shall have the qualifications herein specified, and shall further comply with such regulations as may be hereafter enacted by the Legislature of Porto Rico.

Mr. CANNON. Mr. Chairman, is that an amendment or an amendment to the substitute?

The CHAIRMAN. An amendment to the substitute.

Mr. CANNON. So that it would read, if it were adopted, how?

Mr. HUDDLESTON. Mr. Chairman, is this taken out of my time?

Mr. CANNON. Oh, not at all.

The CHAIRMAN. The Clerk will report it as it would read if it were adopted.

The Clerk read as follows:

SEC. 35. That the qualified electors of Porto Rico shall consist of all citizens without regard to sex, of the United States, 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898), who are able to read and write either the Spanish or English language, or who shall be bona fide taxpayers in their own name in an amount not less than \$3 per annum.

Mr. CANNON. That is the way it would read if the amendment were adopted?

Mr. HUDDLESTON. My amendment was not inserted in the proper place, Mr. Chairman. It is the part relating to qualifications, being able to read and write or being taxpayers. I made a mistake in writing my amendment. I ask unanimous consent to correct my amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. HUDDLESTON] asks unanimous consent to correct his amendment. Is there objection?

There was no objection.

Mr. JONES. Regular order, Mr. Chairman.

Mr. MANN. Reserving the right to object, Mr. Chairman, how soon will we get it closed up?

The CHAIRMAN. The Chair can not answer that question.

Mr. CANNON. Now, Mr. Chairman, let the Clerk read the substitute as it would read if the amendment of the gentleman from Alabama were adopted.

The CHAIRMAN. The Clerk will report the substitute as it would read if the amendment of the gentleman from Alabama were adopted.

The Clerk read as follows:

SEC. 35. That the qualified electors of Porto Rico shall consist of all citizens, without regard to sex, of the United States, 21 years of age or over (except insane or feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the 13th of August, 1898).

Mr. HUDDLESTON. Mr. Chairman, I have endeavored in making this amendment, which, I fear, is a little crude, to leave it to the people of Porto Rico to say who shall vote. That is the purpose of my amendment, and I trust that purpose is effected by it.

The argument implied by the questions which were asked me a few minutes ago, that we should afford to the people of Porto Rico the same treatment with reference to fixing the qualifications of voters that we give to those citizens of the United States living in the Territories which we organize, is not a fair argument. It is necessary in organizing a Territory of the United States to start out with some plan or form of government. In order to do that we have to make some provision as to who shall vote. We have to have something to start out on. Prior to their organization there is no provision of law as to who shall vote in the Territories. There is nobody qualified to vote. There is an absence of law on the subject. This is true of the Territories, of Hawaii, and also of the Philippines. It is not true of Porto Rico. In Porto Rico we have now laws which provide who shall vote. There are persons in Porto Rico who now exercise the franchise.

Mr. JONES. Does the gentleman mean to say that we have not got a law in the Philippines as to who shall vote?

Mr. HUDDLESTON. We did not have until Congress passed one, and therefore it was proper to put into that law some provision as to voting.

Mr. JONES. We did not have it in Porto Rico until we put it there.

Mr. HUDDLESTON. How can the gentleman justify himself in putting in the organic act that is to outline the government of Porto Rico a provision that would cut off the right of a large part of the people of Porto Rico to vote? Is the gentleman putting that provision in for the benefit of the Porto Ricans themselves? Does the gentleman know more about what the people of Porto Rico want than they know? Is he better qualified to pass upon the qualifications of voters and the qualities that fit the people of Porto Rico for self-government than the Porto Ricans themselves? If the gentleman does not claim for himself that knowledge of Porto Rico, he has no right to undertake to dictate to them on the subject.

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. JONES. I understand the gentleman from Alabama bases his remarks upon the theory that the people of Porto Rico ought to be permitted to fix their own qualifications for voting.

Mr. HUDDLESTON. I base my argument on the theory that this is the United States of America, and supposed to be a free country, and that the people have the right to rule it. Our ancestors said in effect that no just government can exist against the will of the people. If the gentleman knows of a higher political principle, I will be glad to have him state it.



Mr. JONES. I am not questioning the gentleman's position at all, but—

Mr. HUDDLESTON. The gentleman is in effect repealing the Constitution of the United States when he attempts to put in this provision of law.

Mr. JONES. I started out simply by saying what I thought was the gentleman's position, but I wanted to ask this question: Will this amendment that the gentleman has offered accomplish what he states he wanted to do?

Mr. HUDDLESTON. I hope it will. If not, then I hope the gentleman will put the measure in such shape that it will.

Mr. JONES. That is the reason why I wanted to call the gentleman's attention to it.

Mr. HUDDLESTON. I think it will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The amendment was rejected.

The CHAIRMAN. The question is on the substitute of the gentleman from Virginia [Mr. JONES] as amended.

Mr. CULLOP. Mr. Chairman, may that amendment be reported again?

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the amendment be again reported. Is there objection?

A MEMBER. Regular order!

The CHAIRMAN. The regular order is demanded, which is equivalent to an objection. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES] as amended.

The question was taken; and on a division (demanded by Mr. JONES) there were—ayes 38, noes 49.

Accordingly the substitute was rejected.

The Clerk read as follows:

SEC. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico or any municipality or district thereof not inconsistent with the provisions of this act.

No executive department not provided for in this act shall be created by the legislature.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 30, line 2, in section 37, after the word "act," strike out the period and insert in lieu thereof the following: "; also the power to impose, levy, and collect duties upon merchandise going to the United States from Porto Rico and coming into Porto Rico from the United States, which duties shall not exceed 25 per cent of the duties which are required to be levied upon like articles of merchandise imported from foreign countries."

Mr. PARKER of New Jersey. Mr. Chairman, I have spoken twice on this subject and would like to say only a word more on one or two matters that have not been touched upon.

My amendment proposes to reenact the law that prevailed when we first took Porto Rico. We did not then leave it to the Porto Rico Legislature to say how much of the 25 per cent should be collected, but we ordered 25 per cent of the United States duties collected on goods from Porto Rico, which when collected were remitted to them, and 25 per cent of the like duties were collected on articles sent from the United States to their shores, and that amount was given to them, and the United States kept their government provided with sufficient revenue instead of taxing the people out of existence.

Afterwards Congress abolished that, and the present arrangement is a sham. The law says that they shall have United States duties on goods that go into Porto Rico from foreign countries; but the steamship lines run to New York, and the duties are paid there and go into the United States Treasury, and then those same goods are sent to Porto Rico, but the people of Porto Rico get no benefit from the foreign tariff unless the ship goes from the foreign country to Porto Rico. The only way to see that they will get any benefit is to make it more profitable to send the goods to Porto Rico direct from the foreign country than to send them via New York.

Outside of that the United States, with its great manufacturing power, is supplying everything those poor people want, and so they get little or no revenue from the tariff. Our factories are driving their shoemakers out of existence with American shoes. They are driving the carpenters who made their furniture out of their trade. They are driving their blacksmiths who made their locks and their hinges out of their trade. They have done that to our small trades here, but our people can go

into a mill and get along. There they have no mills, and they are left in the same condition as India and Ireland were left.

Do we realize that the free-trade policy of Great Britain sent calicoes into India which drove their cotton manufactures almost out of existence. Sheffield sent tools there which drove Indian-made tools—the best handmade tools in the world—out of existence. English machine-made carpets and shawls made the woolen productions of India something to be had only by the very rich who could pay for their art designs. Do we realize that between the great home country and the little colony, with a different language, and different traditions, which has not the freedom to go to the home country and get the benefit of its business, this is destruction to the small country, such as has changed India from one of the richest countries in the world to one of the poorest (although it has been given good government), because its people have to pay taxes upon their trades and upon their lands, as we are forcing Porto Rico and the Philippines to do? England has learned better as to her recent colonies. They demanded the right of self-government. The United States should profit by that example and see that that right of self-government, which involves the power of the purse, shall be given under proper restrictions and preferences not to the United States but to these poor people. [Applause.]

Mr. MANN. Mr. Chairman, those who have been in the House a long time remember the trouble in reference to the tariff laws in Porto Rico when we passed the law providing for a tariff on goods entering Porto Rico from the United States and on goods coming from Porto Rico to the United States. Then we changed that law and provided for the free entrance of goods between Porto Rico and the United States.

I am unable to agree with the distinguished gentleman from New Jersey [Mr. PARKER], in the belief that it will be wise to have goods going from the United States into Porto Rico pay a tariff there and have the goods coming from Porto Rico into the United States pay a tariff here. We are probably destined to possess Porto Rico as a part of us forever, as we use the term "forever." Since the construction of the Panama Canal it is quite essential that the United States shall have command of the Caribbean Sea. I think we should bring ourselves as closely as possible in touch with Porto Rico and the Porto Ricans. I have no doubt that the privileges and rights which we accord to them now will in the future be increased, and I am not in favor of building up any kind of wall over which commerce must jump between Porto Rico and the United States. The closer we are in touch with them the better. I do not think we ought to provide any tariff wall now.

Mr. GARRETT. Mr. Chairman, that is what the amendment proposed by the gentleman from New Jersey would do, or, at least, it would give the possibility to the Legislature of Porto Rico to do it.

Mr. MANN. That is the reason I am opposing it.

Mr. JONES. Will the gentleman permit a suggestion?

Mr. MANN. Certainly.

Mr. JONES. The laws of the United States now provide for free trade between Porto Rico and the United States.

Mr. MANN. I am well aware of that fact.

Mr. JONES. And this bill provides that the laws of the United States that are not locally inapplicable shall be applicable in Porto Rico, so that we provide in it that the United States shall legislate on the tariff question, and the proposition of the gentleman from New Jersey [Mr. PARKER] is to take it away from the Congress and to confer it upon the Legislature of Porto Rico.

Mr. MANN. The distinguished gentlemen from Virginia and Tennessee do not accord me any sense or knowledge at all. Having discussed for some time the question, both gentlemen now tell me that we have free trade with the island and that the gentleman from New Jersey proposes a method by which it shall be changed. That is the reason I am on the floor. I did not require to be told that. Of course that is the case. I am opposed to giving any opportunity to building up any tariff wall between Porto Rico and the United States.

Mr. AUSTIN. Mr. Chairman, I want to call attention to a statement made by Gen. McIntyre when we had him before the committee in the preparation and consideration of this bill. I asked him what the trade was between the United States and Porto Rico under the Spanish Government, and he said practically nothing, but that last year it amounted to \$30,000,000. We have built up and increased our trade in Porto Rico on account of the tariff laws. It was a tariff which gave us an advantage over our competitors. We have as a result built up our annual trade with Porto Rico from nothing to \$30,000,000.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. AUSTIN. Yes.

Mr. PARKER of New Jersey. The gentleman recognizes that I leave 75 per cent still of preference?

Mr. AUSTIN. That is true, but we want absolute free trade between our country and its colonial possessions, as we have between the different States. We sold \$7,500,000 to the Philippines, Porto Rico, and the Hawaiian Islands under foreign flags, and last year under our flag we sold \$85,000,000, because of our tariff laws, which gave us an opportunity to go in without paying custom duties. Our competitors were compelled to pay custom duties. It gave us a preference, and that preference resulted in an increased trade of from \$7,500,000 to \$85,000,000 annually. So we ought to be exceedingly careful about placing a duty on the importation of goods into Porto Rico or our insular possessions, because it may rob us of the absolute and necessary preference we ought to have covering the difference in the cost of production here and abroad.

Mr. FOCHT. How much were the imports to Porto Rico and what benefit was it to us?

Mr. FESS. The combined exports and imports was \$83,000,000.

Mr. AUSTIN. The gentleman from Ohio says the combined exports and imports were \$83,000,000. The imports into Porto Rico from the United States last year were \$30,929,831, and the exports to the United States were \$42,311,920. Porto Rico will never be anything but an agricultural country. It has no mineral resources, no manufacturing industries, and for the most depends upon its tropical fruits, coffee, sugar, pineapples, and, as the Democratic governor of the island said in the hearing before the committee, free trade in sugar would ruin that country, whereas the protective tariff would help it—make it prosperous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 38. That all grants of franchises, rights, and privileges of a public or quasi public nature shall be made by a public-service commission, consisting of the heads of executive departments, the auditor, and two commissioners to be elected by the qualified voters at the first general election to be held under this act and quadrennially thereafter. The terms of said elective commissioners shall commence on the 1st of January following their election, and they shall serve for four years and until their successors are elected and qualified. Their compensation shall be \$8 for each day's attendance on the sessions of the commission, but in no case shall they receive more than \$400 during any one year. The said commission is also empowered and directed to discharge all the executive functions relating to public-service corporations heretofore conferred by law upon the executive council. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor, and shall be reported to Congress, which hereby reserves the power to annul or modify the same.

Mr. JONES. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Add to section 38 the following clause:

"The interstate-commerce act and the several amendments made or to be made thereto, the safety-appliance act and the several amendments made or to be made thereto, and the act of Congress entitled 'An act to amend an act entitled "An act to regulate commerce, approved February 4, 1887," and all acts amendatory thereof by providing for valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved March 1, 1913, shall not apply to Porto Rico. The Legislative Assembly of Porto Rico is hereby authorized to enact laws relating to the regulation of the rates, tariff, and services of public carriers by rail in Porto Rico; the public-service commission hereby created shall have power to enforce that law under proper regulation."

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Virginia about a matter in the preceding section where I think there ought to be a change of phraseology, although I have no change to suggest. The last clause at the bottom of page 29 reads:

SEC. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico or any municipality or district thereof not inconsistent with the provisions of this act.

Whoever drew that, I think, had in mind that if there was an alteration or modification of the law that the new law should not be inconsistent with this act, but that is not what it says. It says they shall have power to alter, amend, modify, and repeal any existing law not inconsistent with this act. Or, leaving out the two negatives, they have the power to alter or amend any law which is now consistent with this act. That, plainly, was not the intention.

Mr. JONES. The purpose of it was to confer on the legislature authority to alter, amend, modify, or repeal any or all laws, ordinances, and so forth, not inconsistent with the provisions of this act.

Mr. MANN. To amend any law not inconsistent with this act.

Mr. JONES. They could not enact any legislation that was inconsistent with this act.

Mr. MANN. That is different. I take it that what was intended was that they could not enact new legislation in repealing or modifying a law inconsistent with this act.

Mr. JONES. That is the purpose.

Mr. MANN. That is not what it says. The word "inconsistent" that this act refers to is existing law. I simply call the attention of the gentleman from Virginia to it for his consideration. I am not offering any amendment.

Mr. JONES. What amendment would the gentleman suggest to carry out his idea?

Mr. MANN. I have no amendment to offer.

Mr. JONES. I will ask permission to return to this section later on.

Mr. MANN. I am not asking for that, although I am perfectly willing. I called it to the attention of the gentleman, for I wanted to be sure that my point was right. The gentleman will have a chance to have it corrected.

Mr. JONES. Mr. Chairman, I ask to return to the section if, on examination, it would seem that it needs correction.

Mr. LONGWORTH. Will the gentleman yield?

Mr. JONES. I will.

Mr. LONGWORTH. Does not the gentleman think that the salary of \$400 a year is pretty small for men who occupy such an important position as commissioners with power to grant franchises, and so forth?

Mr. JONES. We thought not. There were a number of the members of the committee who thought that was too much, and we spent a good deal of time over this question of salaries, conferred with the Commissioner, who is a member of the committee, and concluded that would be proper.

Mr. LONGWORTH. Does the Resident Commissioner think that salary is sufficient?

Mr. JONES. Yes; we all substantially agreed as to the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. STAFFORD. Mr. Chairman, as to the amendment, I move to strike out the last word. I would like to inquire of the gentleman from Virginia why the gentleman restricted the power of the public service commission to merely rail lines and did not extend it to water lines that cover the local interisland services of Porto Rico?

Mr. JONES. I will say to the gentleman and to the committee that under recent decisions of the Supreme Court of the United States in cases appealed from Porto Rico it has been held that there are in force in that island the acts of Congress known as the safety-appliance acts and the Federal employer's liability act. The effect of these decisions is to apply to Porto Rico all of the Federal legislation affecting the regulation of rates and service by common carriers by rail.

This carries with it the jurisdiction of the Interstate Commerce Commission of the United States, in so far as it is vested with power to control such matters.

By reason of the peculiar conditions existing in Porto Rico and the modest character of the railroads in operation there it has been found that the application of the Federal laws above referred to presents a matter of the gravest difficulty. The bulk of the traffic by railroads in Porto Rico consists of sugar cane transported from the fields to central sugar factories. This traffic exists but five or six months in the year and requires a special character of car and service. The only railroad in the island worthy of the name is a narrow-gauge road, whose principal business is that of cane transportation, as above stated.

Mr. STAFFORD. The gentleman is giving a justification of his proposed amendment, but he is not answering the question which I propounded to him.

Mr. JONES. I thought the gentleman desired me to explain the reasons—

Mr. STAFFORD. I wished to ascertain why the gentleman excluded water lines from the provision of his amendment and only extended the power of the public service commission to the rail lines.

Mr. JONES. There are no water lines.

Mr. STAFFORD. I assume there is some communication by water around the island.

Mr. JONES. From the United States to Porto Rico?

Mr. STAFFORD. No; I mean from different ports about the island.

Mr. JONES. Well, perhaps so.

Mr. STAFFORD. That is not covered by the amendment of the gentleman.



Mr. JONES. The reason is this: The conditions that relate to the railroads are very peculiar, just as I attempted to state to the committee, and I have not heard of any reasons why the water transportation should be exempt. There is but one railroad that can be called a railroad in the island, and that is a narrow-gauge road that is engaged for five or six months in the year in hauling cane, and if these acts to which I have referred are to be applied through the Interstate Commerce Commission to these roads it will produce a very great hardship. This amendment is suggested by the department having charge of the matter. I have never had my attention called to the water transportation by any complaint in regard to it.

Mr. STAFFORD. The other day the shipping bill provided various regulatory provisions for controlling water traffic. The gentleman is creating a public-service commission which has jurisdiction over public-service affairs in Porto Rico. Why should not it extend also to the water lines?

Mr. JONES. Well, I will say to the gentleman that this amendment is the result of an opinion written by a member of the Interstate Commerce Commission, which I have in my hand. If the gentleman cares to have it read for the information of the gentlemen in the committee, I can do it.

Mr. STAFFORD. I can understand the reason for the exemption of the interstate-commerce laws from application on the island—

Mr. JONES. Well, I have not looked into the steamboat question, nor has any member of the committee, as far as I know.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 30, line 16, after the figures "\$400," insert the word "each."

Mr. TOWNER. Mr. Chairman, this is offered—

Mr. JONES. Will the gentleman explain his amendment?

Mr. TOWNER. The gentleman will notice in line 16 it says, "but in no case shall they receive more than \$400 during any one year." Of course it may be implied that that meant \$400 for the commission. I just simply inserted the word "each" for the purpose of making it clear.

Mr. JONES. The words "each member"?

Mr. TOWNER. No; just simply "each"; that will be sufficient.

Mr. MANN. Mr. Chairman, just a moment. Does the gentleman want to insert "each" or "each commissioner"?

Mr. TOWNER. Well, "each commissioner." I have no objection.

Mr. MANN. There are two. It is not intended to pay anybody but the elective commission, is it?

Mr. TOWNER. No, sir; but you will notice this is part of one sentence, and it says "their compensation shall be \$8 for each day's attendance on the sessions of the commission, and in no case shall they receive more than \$400 during any one year." This means "\$400 each" and not \$400 for the entire commission.

Mr. MANN. Well, I presume it would refer back to the elective commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The amendment was agreed to.

The Clerk read as follows:

Sec. 39. That all grants of franchises and privileges under the section last preceding shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stock or bond dividends, and in the case of public-service corporations shall provide for the effective regulation of charges thereof and for the purchase or taking of their property by the authorities at a fair and reasonable valuation.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I shall not offer any amendment in regard to this, though I think it is unfortunate that the bill provides that there shall be no issue of stock or bonds except in exchange for actual cash and property at a fair valuation, and so forth. I think promotion charges, and charges of organization, are legitimate charges in organizing a corporation and getting the money with which to finance a great enterprise. It is very seldom that such things are successful without the payment of such charges. My recollection is that in the water power bill which we passed we recognized the right to pay for promotion and organization expenses. I am not sure what the language was. Then, I doubt, also, the desirability of saying that there never shall be a stock or bond dividend. In my judgment a corporation just organized may well be advised that instead of paying dividends from the

start to build up a surplus, so that they have cash on hand as working capital, and then after a while pay a stock dividend instead of paying dividends from the start, and always have a working capital.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 40. That the execution of the laws of the United States relating to immigration, to tariffs, customs, and duties on importations into the United States and the regulations made pursuant thereto shall be effected in Porto Rico through officials appointed by the Governor of Porto Rico: *Provided*, That the exemption of aliens arriving in Porto Rico from the payment of the head tax provided by section 1 of the act of Congress of February 20, 1907, is hereby repealed.

Mr. JONES. Mr. Chairman, I move to amend section 40 by striking out all the words beginning on line 12, as follows:

That the execution of the laws of the United States relating to immigration, to tariffs, customs, and duties on importations into the United States and the regulations made pursuant thereto shall be effected in Porto Rico through officials appointed by the governor of Porto Rico: *Provided*,

So as to leave these subjects in the hands of officials appointed by the United States Government. I offer this amendment at the suggestion of the officials of the Treasury Department, who think that confusion would result from any change in present conditions.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 31, by striking out, in line 12, after the figures "40," the remainder of the line down to and including the word "*Provided*," in line 17.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Is it not the purpose of the committee to have officials of the Treasury Department give consideration to the importance of these respective matters rather than to have local officials look after the enforcement of these affairs?

Mr. JONES. That is the purpose of this amendment. It is believed that if the change contemplated in the bill is made it will result in confusion, which should be avoided. Hence I am offering this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 42. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified, and whose salary shall be \$5,000 per annum. There shall be appointed in like manner a district attorney, whose salary shall be \$4,000 per annum, and a marshal for said district, whose salary shall be \$3,500 per annum, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States: *Provided, however*, That no person who declares his intention not to become a citizen of the United States in accordance with the provisions of section 5 of this act may thereafter be naturalized. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of \$2,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid: *Provided*, That nothing in this act shall be deemed to impair the jurisdiction of the District Court of the United States for Porto Rico to hear and determine all controversies pending in said court at the date of the approval of this act. Upon the taking effect of this act the salaries of the judge and officials of the District Court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Porto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Porto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court, without extra compensation.

Mr. MANN. Mr. Chairman, I move to amend page 33, line 16, by striking out "\$2,000" and inserting "\$3,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, on page 33, in line 16, by striking out "\$2,000" and inserting "\$3,000."

Mr. CULLOP. That makes it conform to the law here in the United States.

Mr. MANN. I think so. That was what was in the bill before. If I had my own way about it, I would make it \$5,000. I do not think there is any reason for letting everybody go into the United States courts when they have their own courts there.

Mr. GARRETT. The only reason I can give so far as I am personally concerned—

Mr. MANN. Has the gentleman the same notion about this that I have?

Mr. GARRETT. The only reason, I will say to the gentleman, that the committee had in fixing this at \$2,000 was that the values are much less down there than they are here.

Mr. MANN. The local courts in the main are to be fully trusted everywhere. I think we confer altogether too much jurisdiction upon the Federal courts here. We have too small an amount here. And so I think we can increase it. I do not see why we can not increase the amount down there.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. There is one provision here that rather struck me as being somewhat harsh to these present residents of Porto Rico who decline the summary process of this bill by refusing to become citizens in six months—that they shall not be allowed later to become naturalized. I can not understand why we should mandatorily in the proviso as found on page 33—and I would like to have the attention of the chairman—expressly prohibit those residents of Porto Rico who decline for some good reason to become citizens of the United States within six months of the enactment of this law from at any time in the future availing themselves of the privilege of naturalization and becoming citizens. It seems to me that those residents who may take the oath and decline to become citizens of the United States within the six months after the passage of this act may change their minds thereafter, and should be given the full privilege of coming under the fold of citizenship of the United States.

Mr. JONES. What section is the gentleman discussing now?

Mr. STAFFORD. I am referring to the proviso on page 33, which reads as follows:

*Provided, however,* That no person who declares his intention not to become a citizen of the United States in accordance with the provisions in section 5 of this act may hereafter be naturalized.

I can not appreciate the reason for such an arbitrary provision as that. I can not understand the purpose of the committee trying to force or include all the residents of Porto Rico into citizenship and requiring, as stated in section 5, that they shall be so considered unless they take the oath that they do not intend to become citizens. But I can also appreciate how large numbers who may to-day decline to become citizens should still be privileged to become citizens thereafter. Before moving to strike out that proviso, I wish to inquire of some member of the committee what was the real reason for placing that arbitrary prohibition against these residents who might not wish to become citizens to-day from ever becoming citizens. They may move to the United States. I question whether they would even be privileged to avail themselves of citizenship in this country if they came here after they had once taken the oath not to become citizens under section 5.

Mr. JONES. Mr. Chairman, in reply to what has been stated by the gentleman from Wisconsin [Mr. STAFFORD], I wish to say that the committee thought the provisions of section 5 were as liberal as they ought to be made. Six months is given those people, who otherwise would be made collectively citizens of the United States, in which to go into the courts and declare that they do not desire to be so made.

If they are out of Porto Rico they do not even have to go there in person to make this declaration; they can transmit such declaration under oath. When those who do not desire to become citizens of the United States have deliberately so declared in court, that action on their part should end the matter so far as they are concerned.

Mr. STAFFORD. If those people some time within six months say they do not want to avail themselves of citizenship, and then, after seeing the workings of the government, desire to have citizenship, I think they ought to be granted that right and not be barred.

Mr. JONES. I can only say to the gentleman that it was the consensus of opinion of the Committee on Insular Affairs that when a Porto Rican deliberately renounced his United States

citizenship he should not be permitted thereafter to change his mind.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment and move to strike out the clause on page 33, beginning on line 7 with the word "provided" and ending with the word "naturalized," on line 10.

The CHAIRMAN (Mr. CRISP). The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 33, by striking out the clause beginning with the word "provided," on line 7, down to and including the word "naturalized," on line 10.

Mr. STAFFORD. Mr. Chairman, I think the provisions under section 5 are very harsh and mandatory, whereby you compel every resident virtually to become a citizen of the United States unless within six months after the passage of this act he takes an oath that he does not wish to be so included.

I think you go very far in your arbitrary legislation, in the provision which I here seek to strike out, in providing that these persons who for some reason or other may not now desire to become citizens of the United States shall not have the privilege forever after of becoming naturalized. You are driving them virtually under the cover of citizenship in the provisions of section 5, and you are enforcing it still more by saying, "If you do not accept citizenship now, you may never be privileged to have it."

That certainly is not consistent with the ideas of citizenship which rests upon the volition of the individual. Never before in the history of our Government have we passed any such restrictive prohibition as that.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. YOUNG of North Dakota. Are there not a large number of people living in Porto Rico who, under the provisions of this proposed bill, if they were denied the privilege of citizenship, as provided in the clause that the gentleman proposes to strike out, would not be citizens of any country at all?

Mr. STAFFORD. Why, certainly.

Mr. YOUNG of North Dakota. They would not be citizens of the United States or any other country.

Mr. STAFFORD. They are to-day subjects of the United States. We have thrown the protecting arm about them. They are not citizens of Spain, and they can not be. You are proposing to create by this provision two different classes in Porto Rico—native Porto Ricans who within six months accept the privileges of the Government and do not take an oath that they do not want to come under these provisions, and those who decline and will be forever debarred from becoming citizens of the United States. You say you wish to bring these residents into the fold of the United States and give them as full liberties as possible, and yet after they see the beneficent workings of the government that you are here attempting to establish by this proviso, you say, "You will not be privileged to have in the future those privileges, and you will be forever barred from citizenship or of exercising the privileges of government thereunder."

Mr. JONES. Vote, Mr. Chairman.

Mr. STAFFORD. I think the proviso should certainly be stricken from the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. STAFFORD. I ask for a division.

The committee divided; and there were—ayes 23, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 44. That writs of error and appeals from the final judgments and decrees of the Supreme Court of Porto Rico may be taken and prosecuted to the Supreme Court of the United States in any case wherein is involved the validity of any copyright, or in which is drawn in question the validity of a treaty or statute of, or authority exercised under, the United States, or wherein the Constitution of the United States, or a treaty thereof, or an act of Congress is brought in question and the right claimed thereunder is denied, without regard to the sum or value of the matter in dispute, and in all other cases in which the sum or value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party or of other competent witnesses, exceeds the sum or value of \$5,000. Such writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken to the Supreme Court of the United States from the district courts.

Mr. STAFFORD. Mr. Chairman, I move to strike out, in lines 15 and 16, the words "Supreme Court of the United



States," and insert in lieu thereof "the Fifth Circuit Court of the United States."

The CHAIRMAN. Will the gentleman from Wisconsin please restate his amendment? What page?

Mr. STAFFORD. Page 35. Strike out, from lines 15 and 16, the words "Supreme Court of the United States," and insert in lieu thereof the words "the Circuit Court of Appeals of the Fifth Circuit of the United States."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The Clerk read as follows:

Amend, page 35, by striking out, in lines 15 and 16, the words "Supreme Court of the United States," and inserting in lieu thereof the words "Circuit Court of Appeals of the Fifth Circuit of the United States."

Mr. STAFFORD. Mr. Chairman, I will ask unanimous consent to modify the amendment by substituting the "First" instead of the "Fifth" circuit.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to modify his amendment by substituting the "First" instead of the "Fifth" circuit.

Mr. CULLOP. Mr. Chairman, if that were done, it would provide for two appeals instead of one. The appeal would be taken from the Supreme Court of the District of Porto Rico to the Court of Appeals, and then from the Court of Appeals to the Supreme Court of the United States, and it would be multiplying litigation and multiplying the cost instead of reducing the same.

Mr. STAFFORD. I ask for recognition, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. If my amendment is adopted, I will follow it with another amendment, striking out the last sentence of the section on page 36 and incorporating the same phraseology as we find in the Panama Canal government act. I would not submit this proposed amendment to the attention of the committee were it not that this very question was considered some years back, when the Committee on Interstate and Foreign Commerce was considering the question of appeals from the district courts of the Canal Zone.

At that time the committee thought that the Supreme Court of the United States was too burdened with litigation to have any appeals from the district court direct, and in the Panama Canal government act reported from the committee in 1910, and again in 1912, which became a law, the appellate jurisdiction was conferred upon the Circuit Court of Appeals. Now, the Supreme Court of the United States is back in its consideration of pending cases more than one year. So far as cases arising from the Supreme Court of Porto Rico are concerned, we ought not to burden the Supreme Court of the United States more than is necessary.

Mr. CULLOP. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Indiana.

Mr. CULLOP. There is a wide difference between the Panama act and this one. Appeals from Panama are from the district court of the United States just the same as in the United States. Now, the appeal from the Supreme Court of Porto Rico is the same as an appeal from the supreme court of any State in this country. It goes direct to the Supreme Court of the United States, and the autonomy in the practice ought to be kept in this instance just the same as it is in cases appealed from the various State supreme courts in the United States; whereas, if the gentleman's amendment was adopted, it would be an exception to the method of appeal from other State supreme courts in this country.

Mr. STAFFORD. Will the gentleman recognize that, so far as cases arising in the Canal Zone are concerned, there is no authority for direct appeal in any case to the Supreme Court of the United States? The Interstate and Foreign Commerce Committee of the House had this very question under consideration, and for the reason that we did not wish to burden the Supreme Court with appellate jurisdiction from these minor courts, we provided that those appeal cases should be sent to the circuit court of appeals. I am attempting to accomplish the same purpose in the amendment which I am submitting to the attention of the committee.

Mr. DAVENPORT. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Oklahoma.

Mr. DAVENPORT. Is it not a fact that when a question is raised in any district court of the United States to-day involving a treaty or a constitutional provision the appeal is taken directly from that district court to the Supreme Court of the United States?

Mr. STAFFORD. The preceding section that we have just passed provided for that very case. That section provides for appellate jurisdiction in all those cases arising in the district

court of Porto Rico first going to the circuit court of appeals, and then, if a case involves a constitutional question, being referred to the Supreme Court upon certification.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DAVENPORT. Mr. Chairman, my contention is that this section is drawn as it should be drawn. It simply provides for appealing cases from the Supreme Court of Porto Rico to the Supreme Court of the United States where a treaty of the United States or the Constitution of the United States is involved or a treaty or an act of Congress brought into question in the trial of the case; and so far as I have been able to observe in the last 25 years in the district courts and circuit courts as we once had them in the United States, now all merged into the district courts, where questions of that character were involved those cases were appealed directly to the Supreme Court of the United States in order to get them settled. And that is the way you would bring a case on appeal if you were coming from the supreme court of a State to the Supreme Court of the United States in order to get those constitutional or treaty questions settled. It is not an unusual thing to do, and I do not believe the amendment should prevail, because questions will arise in the Supreme Court of Porto Rico that ought to be brought direct to the Supreme Court of the United States and settled finally, and the burden of appealing to the district court and then from the district court to the Supreme Court of the United States ought not to be imposed upon litigants who are as far away as these people are from the court to which they would have to bring the case.

Mr. JONES. Will the gentleman let me suggest to him that the present organic law provides for an appeal to the Supreme Court of the United States, and there has never been any question raised as to burdening the Supreme Court with these appeals.

Mr. DAVENPORT. This provision has never been called in question before when questions designated as they are designated in this act have been involved, and never will be, in my judgment, because it is not right to compel them to go such a circuitous route as they would have to go by appealing to the circuit court of appeals and then to the Supreme Court in order to get them to the court of last resort, the only court where you can finally get the questions definitely settled.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The amendment was rejected.

The Clerk read as follows:

SEC. 57. That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the Executive Council shall, until the assembly and organization of the Legislature of Porto Rico as herein provided, consist of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, the commissioner of health, and the commissioner of agriculture and labor, and the five additional members as now provided by law. And any functions assigned to the Senate of Porto Rico by the provisions of this act shall, until this said senate has assembled and organized as herein provided, be exercised by the Executive Council as thus constituted.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I wish the gentleman from Virginia would tell us briefly just what this section means. Of course I know generally what it means. It says—

But until its provisions shall severally become operative, as hereinbefore provided.

There will be some delay on account of an election down there. I do not know just what it will be. When does it take effect?

Mr. JONES. I do not know whether there will be any delay or not; but until the election does take place, and the senate provided for in the act is elected, I understand that the Executive Council provided for in this bill will exercise the powers conferred upon the senate. The Executive Council in Porto Rico now is the senate, and this is to prevent any hiatus, as I understand it. It is provided that the duties that are devolved upon the senate shall be discharged by this Executive Council until the senate has been elected and organized.

Mr. MANN. Under the terms of this act the Legislature of Porto Rico in some way has to provide a qualification of voters. They could not have an election there until you do that, or can you?

Mr. JONES. This act provides the qualification of voters.

Mr. MANN. This is what section 35 provides:

That the qualified electors of Porto Rico, for any election whatsoever, shall consist of those citizens that will be hereafter registered in accordance with the terms of this act and of the laws of Porto Rico hereafter enacted.

You can not have an election until you fix the qualification of voters. You can not fix the qualification of voters until you enact hereafter a law of Porto Rico; you can not have a meeting of the legislature. Does the executive council have authority to pass a law for Porto Rico?

Mr. JONES. No; the legislature now consists of the house of delegates and the executive council, and this legislation will have to provide for the registration of the voters who are qualified as provided in this act.

Mr. MANN. When does the legislature meet again?

Mr. JONES. I can not state what day the legislature meets; I do not recall it; but the governor can call the legislature in extra session if it is desirable to do so. This section simply provides that any duties that devolve upon the senate shall be performed by the executive council until this legislature is elected. They have a legislature there now, but we abolish the present executive council, and therefore we substitute this council in the place of that council, which is abolished for the purpose of enacting the legislation which the gentleman thinks is necessary and in which I entirely agree with him is necessary.

Mr. MANN. This bill says:

That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the executive council shall—

Of course it would be a violent assumption to assume that the governor of Porto Rico would not think it necessary to call an extra session of the legislature, which he is not required to do; but if he does not, the law would not go into effect, or a large share of it would not go into effect.

Mr. JONES. The gentleman from Porto Rico [Mr. RIVERA] tells me that the legislature will not meet again until February unless the governor convenes it under the power which he has under the present law.

Mr. MANN. I am inclined to think that it would be wise to have in here a provision for a special session of the legislature, because you provide for elections in November and fix the status as of November for a four-years' term.

Mr. JONES. I do not think we are taking any risk on that, because the governor of Porto Rico is more anxious to pass this law as soon as possible than any Member of Congress, and so are all the people down there. The governor is very anxious to see this bill passed, and he can be relied upon to do everything in his power to organize the legislature provided for.

Mr. MANN. And still, an act of this sort ought not depend on the whim or act of any one man.

The Clerk read as follows:

SEC. 58. That the laws and ordinances of Porto Rico now in force shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided for Porto Rico or by act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with this act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act as it may from time to time see fit.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to return to page 29 for the purpose of correcting the text, and I offer an amendment for that purpose.

Mr. JONES. Consent was given, Mr. Chairman, to return to this paragraph.

Mr. MANN. When was consent given?

Mr. JONES. The gentleman from Illinois [Mr. MANN] raised a question about the language, and I asked unanimous consent to return to it if necessary.

The Clerk read as follows:

Page 29, line 23, after the word "thereof," strike out the remainder of the paragraph and insert in lieu thereof the following: "Also the power to alter, amend, modify, or repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof, in so far as such alterations, amendments, or modifications or repeal may be consistent with the provisions of this act."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 59. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this act, including the laws relating to tariffs, customs, and duties on importations into Porto Rico prescribed by the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. DUPRÉ. Mr. Chairman, I move to strike out the last word. What adjustment was made, if any, of the question raised by the gentleman from New York [Mr. BENNET] about the citizenship of Porto Ricans now in America?

Mr. JONES. The gentleman from New York [Mr. BENNET] discovered on examination of the general laws relating to naturalization that there was no difficulty in the way of the persons to whom he referred becoming naturalized.

Mr. STAFFORD. Mr. Chairman, I wish to direct the attention of the gentleman from Virginia to an amendment offered by the gentleman from New York [Mr. BENNET] providing for incorporation of a provision that would permit a workman's compensation act. That was passed over for subsequent consideration. The gentleman from Virginia had no objection to the incorporation of the first clause of that amendment. I suggest that we return to that section, and if no other amendment is offered, incorporate the first part of that in the bill of rights.

Mr. JONES. I will say to the gentleman from Wisconsin that the gentleman from New York, although he did not specifically refer to this, came to me and said that he had no further amendments to offer.

The CHAIRMAN. The Chair begs to state this amendment, offered by the gentleman from New York [Mr. BENNET], was passed temporarily at the suggestion, as the Chair remembers, of the gentleman from Illinois [Mr. CANNON] and was to be recurred to later. Unless the chairman of the committee has the authority of the gentleman from New York to withdraw it, or it is thought best to do so at this time—the Chair understands the gentleman from New York is not here at this time.

Mr. GARRETT. Does anyone desire to insist upon that amendment?

Mr. STAFFORD. I believe the gentleman from Virginia said that he had no objection to the first part of the amendment.

Mr. JONES. I did not think there was any necessity for it, but I had no objection to it. I did object to the rest of it, but it went over with the understanding that the matter was to be taken up, but, as I said, the gentleman from New York came to me and told me of his satisfaction with the section relating to citizenship, and that he had no further suggestion or amendments to offer; and while he did not give me specific authority to withdraw it—

Mr. MANN. Let us get at it. I ask to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Modification of the amendment offered by Mr. BENNET: On page 3, to follow the amendment already adopted as a new paragraph, insert the following:

"Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York just read.

The question was taken, and the amendment was agreed to.

Mr. JONES. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9533, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. JONES. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. JONES. I demand a vote on the amendment to section 35.

The SPEAKER. Is a separate vote demanded on any other amendment; if not, the Chair will put them in gross.

Mr. GARNER. Is that the so-called suffrage amendment?

Mr. MANN. Mr. Speaker, reserving the right to ask for a separate vote, my understanding is the previous question being ordered the other amendments are agreed to, and we will not have a vote on the suffrage amendment to-night.

Mr. JONES. That is the understanding, I think.

Mr. KITCHIN. With the further understanding we will take up the District resolution and discuss it after this.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the other amendments be considered as agreed to, and that the vote upon the amendment to section 35 and the final passage of the bill go over until to-morrow morning.

Mr. KITCHIN. And that we meet at 11 o'clock to-morrow.

Mr. MANN. I am perfectly willing.



Mr. KITCHIN. And that we meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that all amendments, except the one to section 35, be considered as agreed to, that the vote on that amendment and the bill go over until to-morrow, and that the House meet at 11 o'clock to-morrow. Is there objection? [After a pause.] The Chair hears none.

#### ORDER OF BUSINESS.

Mr. MADDEN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I rise for the purpose of entering a motion to reconsider the vote by which the House on the unanimous-consent motion of the gentleman from Indiana [Mr. Cox] had the bills H. R. 6915 and H. R. 10130 transferred from the Committee on the Post Office and Post Roads to the Committee on Reform in the Civil Service. I do that for the reason that there is a large majority of the Committee on the Post Office and Post Roads in favor of those bills. They have had them under consideration, and on last Wednesday they passed a motion to take those bills up for consideration again on next Wednesday and consider them until final conclusion.

Mr. GARRETT. When was that order made?

Mr. MADDEN. That was this morning.

Mr. KITCHIN. By unanimous consent?

The SPEAKER. It was a unanimous-consent order.

Mr. MADDEN. It was on motion of the gentleman from Indiana.

Mr. GARNER. Mr. Speaker, if it was by unanimous consent, the gentleman, under the rules, would not have the right to make a motion to undo what has been done by unanimous consent unless he can get it done by unanimous consent.

Mr. MADDEN. I think I have under the rules of the House.

Mr. FOSTER. Will not the gentleman let it go over until the gentleman from Indiana is here?

Mr. MADDEN. It was done when I was not here.

The SPEAKER. The Chair wishes the gentleman would bring it up in the morning.

Mr. MANN. I suggest that the gentleman enter the motion to reconsider.

Mr. MADDEN. I have entered the motion to reconsider.

Mr. GARNER. Has the gentleman a right to enter a motion to reconsider when it is given by unanimous consent? I reserve a point of order against the gentleman's motion.

The SPEAKER. Anyhow, the Record will show the gentleman reserved the point of order. The Chair was under the impression from what the gentleman from Indiana stated that the committee wanted it done.

Mr. MADDEN. Not at all; two-thirds of the committee did not want it done.

Mr. GARNER. Mr. Speaker, just a moment. May I say that if the House has done a thing by unanimous consent—

The SPEAKER. There is no use to argue that now.

Mr. MANN. For the benefit of the gentleman let me suggest that the Journal of this proceeding will show that by unanimous consent the gentleman from Indiana moved to do so-and-so. That is the record of it.

The SPEAKER. The Chair will investigate all that.

Mr. MADDEN. I enter the motion, Mr. Speaker.

Mr. GARNER. I reserve a point of order.

The SPEAKER. Both things will be done in the morning and decided.

SAMUEL SCHWARZ (H. DOC. NO. 1153).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Foreign Affairs and ordered printed:

To the House of Representatives:

In response to the resolution of the House of Representatives dated May 13, 1916, and reading as follows:

*Resolved*, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to furnish the House of Representatives with a statement of what he has done under the provisions of section 2001 of the Revised Statutes to secure the release of Samuel Schwarz, an American citizen alleged to be unjustly deprived of his liberty by or under the authority of the Government of Great Britain.

I transmit herewith a report from the Acting Secretary of State, furnishing a summary of the correspondence on file in the Department of State relating to the case of Samuel Schwarz.

WOODROW WILSON.

THE WHITE HOUSE,  
Washington, May 22, 1916.

#### DISTRICT OF COLUMBIA.

Mr. POU. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 240 (H. Rept. 740).

*Resolved*, That during the consideration of the bill (H. R. 15774) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes, it shall be in order to consider the following items (the general rules of the House notwithstanding):

"Hereafter all appropriations made for the support of the government of the District of Columbia, including all sums appropriated in any general appropriation act indicated to be paid out of the District of Columbia revenues and amounts to pay the interest and sinking fund on the funded debt of said District, shall be paid out of the revenues of the District of Columbia to the extent that the same shall be sufficient therefor and the remainder out of any money in the Treasury not otherwise appropriated."

On pages 73, 74, and 75:

"Upon the passage of this act the terms of the members of the present board of directors shall terminate, and thereafter the board shall consist of the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service and one Senator and two Representatives in Congress, to be appointed by the Vice President and the Speaker of the House of Representatives, respectively, each for the term of a single Congress and be eligible for reappointment, and five members, who shall be residents of the District of Columbia, to be appointed by the commissioners. Of the number of directors appointed by the commissioners first after the passage of this act, one shall serve for one year, two for two years, and two for three years; all subsequent appointees of said commissioners shall serve for three years, except that appointments to fill vacancies occurring during a term shall be for the unexpired term. The said board shall have full power to appoint all officers and employees of said hospital, including the medical staff, subject to the approval of the commissioners. There shall always be at least three members of each sex upon said board. The said hospital shall continue to operate as a hospital (and dispensary) for the treatment of diseases peculiar to women and lying-in asylum, and shall continue to furnish board, lodging, medicine, and medical attendance gratuitously to those unable to pay therefor, when so duly certified by the Board of Charities of the District. It shall also receive patients who are willing to pay their expenses, and all money received from said patients shall be paid daily to the collector of taxes of the District, to be deposited by him to the credit and to constitute a part of the annual appropriation for support and maintenance of said hospital, which money, together with all appropriations made for said hospital, shall be expended under the direction of the board of directors of the hospital and the supervision and control of the commissioners."

On pages 83, 84, and 85:

"That whenever any person has been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than one year by the court, the imprisonment during the term for which he may have been sentenced or during the residue of said term may be in some suitable jail or penitentiary or in the reformatory of the District of Columbia, above referred to; and it shall be sufficient for the court to sentence the defendant to imprisonment in the penitentiary without specifying the particular prison or the reformatory of the District of Columbia and the imprisonment shall be in such penitentiary, jail, or the reformatory of the District of Columbia as the Attorney General shall from time to time designate: *Provided further*, That the commissioners are vested with jurisdiction over such male and female prisoners as may be designated by the Attorney General for confinement in the reformatory of the District of Columbia from the time they are delivered into their custody or into the custody of their authorized superintendent, deputy, or deputies, and until such prisoners are released or discharged under due process of law: *And provided further*, That the residue of the term of imprisonment of any person who has heretofore been convicted of crime in any court in the District of Columbia and sentenced to imprisonment for more than one year by the court may be in the reformatory of the District of Columbia instead of the penitentiary where such person may be confined when this paragraph takes effect, and the Attorney General, when so requested by the Commissioners of the District of Columbia, is authorized to and he shall deliver into the custody of the superintendent of said reformatory or his deputy or deputies any such person confined in any penitentiary in pursuance of any judgment of conviction in and sentence by any court in the District of Columbia, and the Commissioners of the District of Columbia are vested with jurisdiction over such prisoners from the time they are delivered into the custody of said superintendent or his duly authorized deputy or deputies, including the time when they are in transit between such penitentiary and the reformatory of the District of Columbia and during the period they are in such reformatory until they are released or discharged under due process of law. The Attorney General shall pay the cost of the maintenance of said prisoners so transferred, said payment to be made from appropriations for support of convicts, District of Columbia, in like manner as payments are now made for the support of District convicts in Federal penitentiaries. Nothing herein contained shall be construed as applying to the National Training School for Boys or the National Training School for Girls. The provisions of this paragraph shall take effect on and after July 1, 1916."

On pages 95 and 96:

"Sec. 6. That hereafter no part of any money appropriated by this or any other act shall be used for the payment to the Washington Gas Light Co. or the Georgetown Gas Light Co. for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per 1,000 cubic feet."

On page 96:

"Sec. 7. That all fees, assessments, rents, and all other receipts now required when collected to be paid into the Treasury, one-half to the credit of the District of Columbia and one-half to the credit of the United States, shall hereafter when collected be paid into the Treasury and credited wholly to the revenues of the District of Columbia."

"Sec. 8. That hereafter the Commissioners of the District of Columbia are authorized and directed to assess and collect rent from all users of space occupied under the sidewalks and streets in the District of Columbia, which said space is occupied or used in connection with the business of said users."

On pages 97 and 98:

"SEC. 10. That hereafter the half cost of the paving or repaving of a roadway between the side thereof and the center thereof with sheet asphalt, asphalt block, granite block, vitrified block, cement concrete, bituminous concrete, macadam, or other form of pavement shall be assessed against the property abutting the side of the street so improved, such assessments to be levied and collected as now provided as to alleys and sidewalks: *Provided*, That the advertisement by publication of the commissioners' intention to do such work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway improvements.

"There shall be included in the area the cost of which is assessable hereunder only the roadway area abutting the property between lines normally projected from the building line of the street being improved at the points of intersection with the building lines of intersecting streets.

"There shall be excluded from the cost of the roadway work to be assessed hereunder:

"First. The cost of all such work beyond a line 20 feet from the side thereof.

"Second. The cost of all such work within the space within which street railway companies are required to pave by law, and nothing herein contained shall be construed as relieving street railway companies from bearing all the expenses of paving and repairing streets and avenues between lines 2 feet exterior to the outer rails of their tracks, as required by section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878."

On pages 98 and 99:

"SEC. 11. That for the protection of streams flowing through United States Government parks and reservations in the District of Columbia from pollution by sewage discharged therein from sewerage systems of Maryland towns and villages bordering said District, the commissioners are authorized to enter into an agreement with the proper authorities of the State of Maryland for the drainage of such sewerage systems into and through the sewerage system of the District of Columbia; and the said commissioners are further authorized to permit connections of Maryland sewers with the District of Columbia sewerage system at or near the District line whenever, in their judgment, the sanitary conditions of streams flowing into and through such United States Government parks and reservations in the District of Columbia are such as to demand the elimination of such pollution: *Provided*, That all cost of construction of such sewers to and connection with the sewerage system of the District of Columbia shall be paid by the proper authorities of the State of Maryland, and that said State shall enter into such agreement with the commissioners and shall guarantee the protection of the District of Columbia sewerage system from unauthorized connections thereto, and shall reimburse the District of Columbia for the actual cost of pumping and handling such sewage by annual payments for such service, as determined by the commissioners in such agreement; all such sums collected therefor to be paid into the Treasury of the United States through the collector of taxes to the credit of the District of Columbia."

Mr. POUL. Mr. Speaker, I ask unanimous consent that there be not exceeding an hour's debate on the rule, and that at the end of that time the previous question be considered as ordered; that one half the hour be controlled by myself and the other half by the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that the debate on this rule shall not exceed an hour, one half of the time to be controlled by himself and the other half by the gentleman from Kansas [Mr. CAMPBELL], and that at the end of that time the previous question shall be considered as ordered.

Mr. CAMPBELL. Reserving the right to object, is it the intention of the gentleman from North Carolina to conclude debate on the rule to-night?

Mr. POUL. That is our very earnest desire.

Mr. CAMPBELL. Is it the intention to ask for a vote on the rule to-night?

Mr. POUL. That is our purpose. I would like very much to get the rule adopted if we can.

Mr. MANN. There was an understanding there would be no record vote on the rule to-night, I will say to the gentleman. I do not think the gentleman ought to ask us to agree to the previous question. He can move the previous question.

Mr. POUL. I shall do everything I can to carry out any agreement that may have been made.

Mr. PAGE of North Carolina. The gentleman would have no objection to the previous question being considered as ordered at the end of the hour's debate if the vote goes over until to-morrow?

Mr. MANN. I have no objection to moving the previous question.

Mr. CANNON. May I make one suggestion? What is the use of debate to empty seats on an important rule of this kind. You might just as well vote at once unless you are going to get gentlemen here.

Mr. MANN. I think the gentlemen who are not here, if the vote goes over until to-morrow, will read all the debate in the Record. [Laughter.]

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, do I understand the gentleman from Illinois [Mr. MANN] to state that there was an agreement that there would be no vote on this this evening?

Mr. MANN. That was the agreement, yes; with the majority leader.

Mr. CAMPBELL. I have a demand for much more than 30 minutes' time, I will say to the gentleman from North Carolina

[Mr. POU]. I do not know whether the gentlemen who asked for time would want to talk to empty seats here or not.

Mr. POUL. Surely an hour ought to be sufficient. It seems to me we could have an agreement to go on for an hour this afternoon.

Mr. PAGE of North Carolina. Question, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. MANN. As the request is put, I shall have to object.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that debate on this rule shall proceed for not more than an hour, half of the time to be controlled by himself and half by the gentleman from Kansas [Mr. CAMPBELL]. Is there objection? [After a pause.] The Chair hears none.

The gentleman from North Carolina is recognized for 30 minutes.

Mr. POUL. Mr. Speaker, this resolution makes in order legislation which has had long and serious consideration by the great Committee on Appropriations of this House and by other committees as well. In view of the fact that there has been this consideration given to this legislation, the Committee on Rules has felt justified in giving the House an opportunity to vote upon this legislation.

I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, after I have occupied 10 minutes I desire to have my attention called to it.

The SPEAKER. Very well.

Mr. CAMPBELL. Mr. Speaker, there have been a great many rules brought in from the Committee on Rules making legislation in order on appropriation bills during this session of Congress. Heretofore the legislation that has been in order on appropriation bills has been such legislation as the committee bringing it in had jurisdiction of. In this case five substantive legislative provisions are made in order on an appropriation bill of which the Committee on Appropriations, which reports the bill, does not have jurisdiction.

These matters of legislation, or most of them, are now under consideration before the Committee on the District of Columbia, a committee made up of able Representatives, who give serious consideration to the matters referred to that committee. All those important matters of legislation are taken away from the Committee on the District of Columbia and jurisdiction is assumed by the Committee on Appropriations, and the Committee on Rules is asked to make all those matters of legislation in order on this appropriation bill.

The matters to be considered by the House are of the greatest possible importance to the country and to the District of Columbia. It is proposed by one provision that is made in order by this rule to repeal or set aside a provision in the charter or the fundamental law of the District of Columbia by a rider on an appropriation bill brought in by a committee that has not jurisdiction of the subject. I refer to that provision under which the expenses of the District government have been paid since 1878.

In 1874 the Congress of the United States took up for serious consideration, by the appointment of a commission or a committee, the regulation of the expenses of the District of Columbia and apportioning that expense between the General Government and the District. The result was that after four years of labor, under the leadership of Senator J. C. S. Blackburn, of Kentucky; Senator Allen G. Thurman, of Ohio; and Senator Edmonds, of Vermont, a charter or fundamental law was solemnly enacted by the Congress of the United States to be known from that time on as the charter or fundamental law of the District of Columbia. It is now proposed to change that fundamental law by this rider on an appropriation bill.

Now, if this House wants to take that responsibility, if this House wants to undo in a few moments what it took four years of consideration to enact, the responsible majority is assuming a great responsibility.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. LONGWORTH. Would it not be possible to consider this matter in the regular course on a District day?

Mr. CAMPBELL. There is no doubt of it.

Mr. LONGWORTH. There is no necessity for bringing it up in this way, is there?

Mr. CAMPBELL. Absolutely none, except to get it through on a rider. The bill must go through, and the only excuse for placing this fundamental legislation, this repeal of the fundamental law of the District of Columbia, on an appropriation bill is to have it go through as a rider on an appropriation bill.

Now a year ago a joint commission was appointed, consisting of Senators and Representatives, made up of the ablest



Members of the Senate and of this House. That commission took time to seriously consider the question that is proposed to be reported here. Two large volumes of testimony were taken. A report was made by that commission, and, strangely enough, the report was not referred to the Committee on Appropriations, but was referred to the Committee on the District of Columbia.

That report is totally ignored by the Committee on Appropriations, in that the investigating committee found that Congress was solemnly bound to provide by appropriations for the payment of 50 per cent of the interest and the sinking fund upon the funded debt of the District. One of the very first provisions made in order by this rule is in violation of that finding, and the recommendation that that condition be carried out by the Congress of the United States is set aside by one of the first provisions of this rule. The Committee on Appropriations totally ignores the recommendations of the commission that was appointed by the last Congress to consider this very subject, and Members of Congress are asked, under a possible 10 minutes of time for consideration, to vote upon a question that in the first instance had consideration for four years, and that in the last Congress was deemed to be of sufficient importance to justify the appointment of a joint commission, and that commission deemed the subject of sufficient importance to take testimony for weeks. They took testimony, as I stated, consisting of two volumes, and made a report. All this matter is ignored, and this House is asked to make in order on an appropriation bill legislation that should be considered by and reported out of the Committee on the District of Columbia.

Mr. Speaker, I do not desire to go into the probable effects of this law if it is enacted. These matters have been discussed here from time to time for years. The danger of the enactment of this first provision, repealing the organic law of the District of Columbia, is that the city of Washington will begin at once to deteriorate into the old conditions in which it was found in 1874, when the matter of considering the question of paying the expenses of the District was taken up. That was a third of a century ago. I sincerely hope, in the interest of the country and in the interest of the pride which every citizen of the Republic has in the Capital of the Nation, that no step will be taken that will result in the Capital going backward.

The SPEAKER. The gentleman has used 10 minutes.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. PAGE].

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] is recognized for five minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I have repeatedly said that on general principles—and being a member of the Committee on Appropriations and knowing thoroughly the rules as they apply to legislation on an appropriation bill—I do not believe that it is good legislative policy to legislate on appropriation bills. But there are exceptions to all rules, and the committee formulating this bill, after very mature consideration, and not only that but after consultation with some of our colleagues who serve upon the legislative committee of the District of Columbia, decided that it was—

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Missouri?

Mr. PAGE of North Carolina. Yes.

Mr. MEEKER. Has it not been the exception this year not to legislate upon appropriation bills?

Mr. PAGE of North Carolina. Oh, no; not this year. I will remind the gentleman that at this session of Congress there have been rules making in order on the Post Office appropriation bill a great mass of legislation. Only two weeks ago there was a rule that made in order on the Agricultural bill a great deal of legislative matter.

Mr. MEEKER. I say that an appropriation bill which does not contain legislation is the exception this year.

Mr. PAGE of North Carolina. It has been the exception in every Congress in which I have served, and this is the seventh. As far as that goes, the law creating the Public Utilities Commission for the District of Columbia and the excise law for the District of Columbia were passed on District appropriation bills. If that side of the House was in control at this time, and they could not find another place, they would not hesitate to bring in a rule to pass a tariff bill on the District of Columbia appropriation bill. [Applause and laughter.] This whole question about the propriety of passing legislation by a rider on an appropriation bill is altogether a matter of whether you favor legislation or are opposed to it. Why, the Evening Star of this city, which has criticized this rider because it was carried on an appropriation bill, has criticized the subcommittee of the Committee on Appropriations because it did not bring out legislation on the same bill establishing a garbage plant for the District of

Columbia—because that paper wants a garbage plant and it does not want the other. The same is true with every individual here.

This matter of the fiscal relations of the District of Columbia was discussed at great length in the first session of the Sixty-third Congress, because of section 8 that was carried in the District appropriation bill. Section 8 passed this House by a decided majority. It was in practical effect just exactly this legislation. In the last session of Congress what was known as section 15 passed this House on a record vote by nearly 100 majority. Since the Senate would not accept that, there was, on motion of the gentleman from Alabama [Mr. UNDERWOOD], a resolution agreed to in this House which appointed a select special committee to take under consideration this whole matter of the fiscal policy of the District of Columbia, between it and the United States Treasury. As the gentleman from Kansas [Mr. CAMPBELL] has said, that committee sat for nearly two months, and took testimony that filled two volumes, and made a recommendation.

The gentleman from Kansas says that this provision does not carry out that recommendation in one minor detail. With that exception it does carry it out. That exception is as to the bonded debt of the District of Columbia. That debt up to date has been paid in accordance with the act of 1878. It was more than \$30,000,000. It has been paid, until now the amount is less than \$6,000,000. This very bill carries \$975,000 for interest and sinking fund of the bonded debt of the District of Columbia. By the year 1923 that bonded debt will have been retired. That is a mere temporary matter. This other, which is included in the first section of this bill and the first section of this rule, is permanent legislation.

The gentleman from Kansas referred to the former distinguished Senator from Kentucky, Senator Blackburn, who, in 1874, as a Member of this House, was chairman of the committee that for four years investigated and made a report upon which was based the legislation of 1878. If the gentleman from Kansas had taken the time to read the testimony before this select committee sitting last fall he would have found that that same ex-Senator Blackburn appeared before that committee and gave unmistakably his testimony and his judgment that the time had arrived when that law was no longer equitable and that the very provision that is in this bill should be enacted into law. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. I yield to the gentleman from Mississippi [Mr. Sisson] five minutes.

Mr. Sisson. Mr. Speaker, it was my pleasure to serve on the District subcommittee that made the two recommendations referred to by the gentleman from North Carolina [Mr. PAGE] a moment ago. In the last several years there has been no justification for the arbitrary half-and-half plan which has prevailed in the District of Columbia. When I first went upon the Committee on Appropriations I insisted that the only just and equitable plan was that all the property in the District of Columbia should be assessed at a reasonable value and that a reasonable tax rate should be levied against that property; that that money should be collected, and whatever other money was needed to run the District government should be paid out of the Federal Treasury, and that Congress should assume that responsibility on behalf of the people of the United States.

Mr. LONGWORTH. Will the gentleman yield?

Mr. Sisson. I yield to the gentleman from Ohio.

Mr. LONGWORTH. What does the gentleman estimate will be paid as a matter of fact by the District of Columbia and what portion by the Government?

Mr. Sisson. At the present assessment and the present valuation, in round numbers, about \$8,000,000 will be paid by the District of Columbia.

Mr. LONGWORTH. At the present rate of taxation?

Mr. Sisson. Yes. Now, those are round figures. I could tell the gentleman exactly by looking at the District appropriation bill, which has just been reported to the House.

Mr. TILSON. Expressed in terms of percentages?

Mr. Sisson. About 60-40, or about 61 per cent to 39 per cent.

Mr. LLOYD. It will be about 69 per cent to 31 per cent, I think; but that has nothing to do with the principle.

Mr. Sisson. Not a thing.

Mr. LLOYD. Is it not true that next year the figures might be reversed, according to this rule?

Mr. Sisson. If Congress saw fit and proper to appropriate vast sums of money, that would be true.

Mr. LLOYD. That is the point I am making, but the thing that is fixed is the amount that the District shall pay.

Mr. Sisson. That is it exactly. In other words, under this law and under section 8, which was awkwardly drawn, but did just exactly, in substance, what this does, the amount that the District should pay was fixed. But last year we put almost this exact language into the appropriation bill and thrashed it out on the floor of the House at length, and by a vote of 2 to 1 the House of Representatives passed this provision. It went over to the Senate, and for the first time in the history of the Senate for thirty-odd years the provision was championed by a Senator, Senator KENYON of Iowa, and one-third of the Senate voted for it. Then the bill came back to the House, after a disagreement, and the House, by more than 2 to 1, stood by the House conferees, and then the bill went back to the Senate. Certain influences were brought to bear here, and then the gentleman from Alabama [Mr. UNDERWOOD] offered the proposition that was carried, by a small majority of 14, to have this joint commission appointed. The men appointed on that commission were not wedded to this proposition. They were absolutely fair, and the three Senators appointed were Senators who, so far as the record shows, had been on the other side of this proposition. Yet, after two months of taking testimony, all three of the members of the House commission and all three of the members of the Senate commission made a unanimous report as to this provision that is in this bill. The only difference between their recommendation and this bill was in reference to the bonded debt of the District of Columbia.

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, ever since I have been a member of the Committee on Rules I have tried to pursue a consistent policy with reference to legislative riders on appropriation bills. I have always been opposed to such riders except in two classes of cases—one where the legislation proposed was so intimately connected with appropriations that they ought to be considered together, and the other an emergency that called for an exception to the rule.

If this rule that is now proposed was confined in its provisions of those two classes of cases I should gladly support it. I want to frankly say that in my judgment the provision known as the half-and-half provision does come within that rule. It is intimately connected with the appropriations and does affect the appropriations that may be made.

But, Mr. Speaker, there are other provisions in this bill that have no connection whatever with appropriations, and I can not understand upon what theory the Committee on Appropriations, which is not a legislative committee at all, has incorporated them into the bill—one, for instance, in reference to the organization of a hospital here, another with reference to the amendment of the Criminal Code of the District of Columbia, and there are other provisions.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. LENROOT. For a brief question.

Mr. PAGE of North Carolina. The gentleman mentioned the hospital; the hospital is very intimately connected with the appropriations, and that is the reason of its being in here.

Mr. LENROOT. Yes; but I can not assume that the Appropriation Committee will make the appropriations greater or less because of the legislation included in this bill. I would assume that the Committee on Appropriations would make such appropriations for running the hospital as in its judgment was necessary for that purpose, and the matter of administration of that hospital lies not with the committee, but with the Committee on the District of Columbia, so far as the legislation of the House is concerned.

So, Mr. Speaker, the rule in its present form can not receive my support, although there are some provisions that I believe should be made in order.

The House will observe that there is no limit to debate for the consideration of this bill provided for in this rule. I am not complaining of that, but I do want to draw the contrast between this rule and the rule adopted the other day on the shipping bill, a bill carrying \$50,000,000, a bill containing new subjects of legislation that have never been considered by either House of Congress. Under that rule adopted by the Democratic majority consideration under the five-minute rule was limited to less than two days, and we witnessed at 4 o'clock last Friday one of the greatest farces ever perpetrated on this House. We had over 100 amendments, many of them important amendments, many of them amendments that the majority members of the Committee on the Merchant Marine and Fisheries agreed ought to be adopted to this bill, and yet every one of them was voted down just as fast as they were read from the Clerk's desk.

I said at that time that while the Democratic majority would make a claim that they shut off debate on that bill because

they needed to expedite business and hurry along the business of the House—I prophesied then that upon the District of Columbia bill, that carrying an appropriation of \$11,000,000, there would be no effort to shut off debate; that debate would be unlimited as far as the rule was concerned. It will take at least a week to consider it, and a little later on, as we get into the consideration of the bill, we can fairly expect that we will have a debate of an hour or more on such important items as to whether or not the secretary of the automobile board shall have \$300 or \$350 a year. [Laughter.] And so on with other items, ample debate, ample opportunity to debate little infinitesimal items on this bill, but no opportunity to debate great questions of public policy and expenditure of millions of dollars of public money on the shipping bill.

Again I want to call the attention of the House that although the Democratic majority did not have time on the shipping bill to afford the minority an opportunity for fair consideration of that bill, they had plenty of time on the Porto Rican bill, to which there was no opposition and as to which there was a unanimous report from both sides of the House. We have been on that bill two days, we have been considering that bill to-day, and just finished the consideration of it a few minutes ago. If the Democratic side was sincere in their rule on the shipping bill, why have they not been anxious to expedite business on other bills? The answer is that their claim with reference to the shipping bill was a pure piece of hypocrisy on the part of the Democratic majority.

Mr. GORDON. Will the gentleman yield?

Mr. LENROOT. Briefly.

Mr. GORDON. Does not the gentleman think that there is an important principle involved in the payment by the people of the United States for one-half of the taxes of the District of Columbia, one-half of the sewer assessments and one-half of the sidewalk assessment?

Mr. LENROOT. I do, and I want full debate and full consideration; but I say to my friend that it is not more important than the creation of a shipping board, spending \$50,000,000 of the Government money and the matter of the regulation of the shipping of the United States and of the world that has never been before considered. If the gentleman from Ohio thinks that this now requires full debate and consideration, why did not he vote for full debate and consideration on the shipping bill? Is it the gentleman's idea that the half-and-half question in Washington is more important than the other great questions? Evidently the gentleman thinks so, and if he thinks so he is justified in voting as he did against every amendment from the minority, only inquiring, "How does my chairman stand, and I will vote the way he does whether he is right or whether he is wrong?"

Mr. GORDON. Does the gentleman want an answer?

Mr. LENROOT. Yes.

Mr. GORDON. I voted against those amendments because I thought that they were offered as a filibuster and not offered in good faith.

Mr. LENROOT. Does the gentleman want an answer to that?

Mr. GORDON. Why, most of the men that offered them did not stay here until they were voted on.

Mr. LENROOT. The chairman of the committee—and it is no breach of confidence for me to state this, for it was stated in the presence of several persons—said while some of the amendments were being voted on, and he voted against them, that many of them he thought ought to be adopted. Does that answer the gentleman's question? The gentleman was content to vote against the amendments because they came from this side of the aisle.

Mr. GORDON. No, no.

Mr. LENROOT. It was not necessary to inquire whether an amendment was a good amendment or whether it was a bad amendment. He took the position, "I am a Democrat, and this side of the House and my leader is against it, and so I will follow my leader." But, Mr. Speaker, I hope the time will come when this House will not legislate in this manner.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. HUMPHREY of Washington. I want to ask the gentleman whether there had been any intimation from the President that this District bill must pass before the Democratic convention meets?

Mr. LENROOT. I judge not, because if there was there would be a rule on this bill like there was on the shipping bill. [Laughter on the Republican side.]

The SPEAKER. The gentleman from Wisconsin yields back one minute.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GAMB].



Mr. GARD. Mr. Speaker, I am in accord with the general principle that legislation should not be embodied as riders upon appropriation bills except it be intimately related thereto, and the subject upon which I desire to give the Members of the House some information is, I think, intimately related to the subject of these appropriations. That is the first part of the bill making in order the question of appropriation for the payment of interest and the principal of the funded debt and for the expenses of the District of Columbia. I first want to say that it is my idea that the language which is carried in the bill providing for the payment of interest and sinking fund of the District of Columbia out of the revenues of the District is not a proper recommendation to this House. The finding of the select committee, which was a unanimous finding of three United States Senators and three Members of this House of Representatives, was to the effect that the inception of this bond legislation, the rulings of all the departments, and indeed the very highest sense of justice between the bondholders, the citizens of the District, and the citizens of the General Government, ought to be to the effect that these bonds, having been issued under a particular law, should be by that particular law paid; and therefore I believe, Mr. Speaker, that this bill should be so amended, and I refer, with the permission of the chairman of the Subcommittee on Appropriations, to line 6 of page 1, where I think the word "and" should be stricken out and the word "except" be incorporated.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. PAGE of North Carolina. In order that this matter may be cleared, I want to say to the gentleman, and through him to the committee, that the committee reporting this bill will not only consider that amendment, but has no particular antipathy to the views as expressed by the gentleman from Ohio when we come to take up the bill.

Mr. GARD. It would seem to me that by the striking out of the word "and" and inserting the word "except" this can be made to read:

That all appropriations for the support of the District of Columbia except the interest on the funded debt of the District shall be paid from the revenues of the District to the extent that the same shall be sufficient therefor, and the remainder out of any money in the Treasury not otherwise appropriated.

And for the information of gentlemen who may desire it, I say this, further. I may say that this provision is carried on page 66 for the payment of interest and the sinking fund on this funded debt, and that can be very easily amended, in line 18, so as to provide for the findings of the select committee, which findings, I believe, are authorized by law.

This funded debt is not a large debt. The city of Washington is indeed unique in not having a large public debt. There remains about \$6,000,000, I think, of the debt; and in the ordinary course of events that will be paid off in 1923 or possibly in 1922, and after that time the city of Washington will have no funded debt. The larger part for the consideration of the House will be the question as to how the expenses of the District of Columbia shall be paid. Now, the findings of the select committee, in brief, upon that is that there is not and should not be any arbitrary rule, but that the responsibility of the residents of the District of Columbia should be the payment of a fixed and reasonable amount assessed as proper taxation.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. Will the gentleman use some of his time?

Mr. LENROOT. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Speaker, before protesting against this rule, to which I am much opposed, I desire to ask the honorable Representative from North Carolina, who has charge of the bill, whether he has ever heard of any appropriation bill which carried eight separate and diverse pieces of legislation? I ask him if he has ever heard of an appropriation bill which carried a provision in reference to such an important matter as the fiscal relations between the Federal Government and the District of Columbia; the appointment of trustees to a hospital board; the terms and transfers of prisoners and the power of parole; the price of electric service to be paid by the Government; the creation of a trust fund for money for the great District of Columbia; the taxing of vacant spaces under the streets in the District of Columbia; a law concerning the paving of streets, and an authorization for an agreement between the Commonwealth of Maryland and the District of Columbia in reference to sewers?

Mr. PAGE of North Carolina. Mr. Speaker, the gentleman has addressed a very long series of questions to me. I was

going to ask him if he would give me time to answer them, and if he wants me to answer them now or at some later time.

Mr. TINKHAM. Mr. Speaker, the question is extremely simple. I asked the gentleman if he has ever known an appropriation bill in his term of service which has carried so many diverse pieces of legislation, utterly ungermane to the subject of the provisions of the bill and not properly before the Appropriations Committee. The gentleman can say yes or no.

Mr. PAGE of North Carolina. Mr. Speaker, I prefer to make my own answer and not answer as the gentleman tells me. I do not admit, in the first place, his premise that these various items are correlated to the appropriations. On the other hand, more than half of them, in fact a majority of them, are directly related to the appropriations, and I have seen on a number of appropriation bills more legislative provisions not related to the appropriations than are on this bill.

Mr. TINKHAM. Mr. Speaker, in view of the fact that the honorable Representative from North Carolina was not responsive to my last question, I ask him in all courtesy to be responsive to my next question. Was any public hearing given on any of these pieces of legislation, either by the Appropriations Committee or by the subcommittee of the Appropriations Committee? I mean public hearings?

Mr. PAGE of North Carolina. Mr. Speaker, in answer to the gentleman's question, if he will give himself the time to read the hearings before the subcommittee of the Appropriations Committee formulating this bill, he will find that there is a very considerable amount of testimony relating to each of the items contained in this rule. That item does not hold public hearings, but the hearings are as voluminous, possibly, as if they had been public, and the gentleman has access to them.

Mr. TINKHAM. Mr. Speaker, the answer of the honorable gentleman is that there were not any public hearings given.

Mr. PAGE of North Carolina. That is my answer, Mr. Speaker. Will the gentleman yield further?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. Will the gentleman allow me to interrogate him? Has the gentleman taken the pains to read the hearings before the subcommittee of the Appropriations Committee having charge of this bill at this session of Congress?

Mr. TINKHAM. Not very closely.

Mr. PAGE of North Carolina. Will the gentleman submit to another interrogation?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. Has the gentleman taken the time and the pains to read the testimony given before the select committee sitting last fall and having been commissioned to take testimony in relation to the fiscal relations of the District of Columbia?

Mr. TINKHAM. I have read about 800 pages.

Mr. PAGE of North Carolina. The gentleman has done very well.

Mr. TINKHAM. Now, Mr. Speaker, I want to protest against this rule, first, because it is arbitrary, and that which is arbitrary should not be done in the popular house of a great democracy unless there is great and compelling necessity, and there is no great and compelling necessity for arbitrary action in these matters. Next, I want to protest against this rule because it is unnecessary that it should pass. Every piece of legislation proposed, with two exceptions, and they are of minor importance, are before the Committee on the District of Columbia.

Mr. PAGE of North Carolina. Will the gentleman yield to a further question?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. The gentleman, I believe, is a member of the legislative Committee on the District of Columbia?

Mr. TINKHAM. I am.

Mr. PAGE of North Carolina. Has the gentleman used due diligence in having this legislation reported to the House of Representatives and put on the Calendar?

Mr. TINKHAM. I have done everything that is possible, Mr. Speaker.

Mr. PAGE of North Carolina. Has the gentleman introduced any bill on any of these subjects in which he is so much interested?

Mr. TINKHAM. I have not. There was no necessity for my doing so, because the bills were before the Committee on the District of Columbia.

Next, I protest against this rule because you are asking for legislation for the District of Columbia, 350,000 people, American citizens, without any public hearing. The first recommenda-

tion for legislation affects vitally what is the most important part of the charter or organic act of the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. LENROOT. I yield to the gentleman from Massachusetts [Mr. TINKHAM] one minute more.

Mr. TINKHAM. I think there is no necessity for it.

Mr. RAINEY. Mr. Speaker, the people of the District of Columbia were given most extensive hearings on this subject in which they are so vitally interested before the joint committee of the House and Senate having this matter in charge for purposes of investigation. We for nearly 60 days' time listened to the representatives of various civic organizations here in the city. We heard everybody who wanted to be heard. Citizens of Washington are not complaining about taxation. They are not insisting that they are assessed too high, and yet under the present assessments they will contribute more for public purposes than ever before—nearly \$2,000,000 more.

That contribution will occur during the fiscal year 1917. They will contribute during that year over \$8,000,000 for public purposes. Now, if the Government of the United States matched dollar for dollar this year the contributions made by the people of Washington it would make a total of over \$16,000,000 to be expended here in this Capital City, over \$1,000,000 more than the commissioners submitted estimates for. Now, what other course can be pursued under these circumstances than to abandon the half-and-half system of contributions which has prevailed in the management of District affairs from 1878 down to the present time?

This bill appropriates about as much for the District of Columbia as the last bill appropriated. This bill appropriates \$11,631,000 and the last bill appropriated \$11,662,000. It is going to cost just as much to run the District of Columbia during the next fiscal year as it has cost during the present fiscal year, except that the people who live here contribute more. Now, that situation of affairs may be reversed under the present system at any time.

Mr. LLOYD. They do not contribute more, in fact. They contribute more in proportion to what the National Government contributes.

Mr. RAINEY. They will contribute over \$8,000,000.

Mr. LLOYD. If the United States Government paid one-half the expense, they would still have to pay \$8,000,000.

Mr. RAINEY. If the United States should contribute \$8,000,000, that would be \$16,000,000, and that is \$7,000,000 more than needed.

Mr. LLOYD. What I am trying to express is, that the District of Columbia is paying just the same as it would pay if the half-and-half principle were carried out, because the tax is levied, and the amount that is collected under the law at the present time would be paid in taxation.

Mr. RAINEY. Yes; but the fact remains that next year—during the year 1917—the citizens will pay \$8,000,000.

Mr. LLOYD. Certainly.

Mr. RAINEY. If the Federal Government contributes as much as they contribute—and they are not complaining any about that—it would make a total of \$16,000,000.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. CRISP. The gentleman from Missouri [Mr. LLOYD], as I understood it, means that the taxpayers will pay under this new plan just what they would pay under the other; that the individual payment of the taxpayer in the District is not increased any. Is not that it?

Mr. LLOYD. Yes. The only people who will benefit by this bill is the General Government.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Speaker, will the gentleman from Wisconsin [Mr. LENROOT] use some of his time?

Mr. LENROOT. How much time have we remaining on this side, Mr. Speaker?

The SPEAKER. Four minutes.

Mr. LENROOT. I yield that time to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming is recognized for four minutes.

Mr. MONDELL. Mr. Speaker, the unwisdom and viciousness of legislation upon an appropriation bill is universally recognized. It is prohibited by the rules, and the situation is made no better by the fact that such legislation is made in order by a special rule. As a matter of fact, to the extent that such action inclines Members of the majority to accept the legislation as being approved by their side, it renders the situation

even more dangerous, and we are even more likely to legislate unwisely when legislation is thus made in order than we would be otherwise.

As a member of the Committee on Appropriations, it might be assumed that I would be in favor of extending the jurisdiction of the committee in this way. But the practice is vicious, and I am as much opposed to it when it is offered by a committee of which I am a member as when it is offered by any other committee.

Further than that, not only has the Committee on Appropriations assumed the right to legislate, but in a very important matter, to wit, in regard to the half-and-half plan, it has not proposed legislation in harmony with either the letter or the spirit of the findings of the joint committee which the House and Senate appointed for the purpose of investigating these matters.

First, it has proposed legislation contrary to the letter of the recommendation made by the joint committee relating to the funded debt and the interest thereon; and, second, it has proposed legislation not calculated to carry out the recommendation of the joint committee to the effect "that the Congress should pursue a definite policy of regular and liberal appropriations, having in view not only the permanent moral and physical advancement of the city but also its permanent and growing grandeur as a municipal expression of the Nations' home and the people's pride." Who is there on either side of the House who will suggest that the meager appropriations made in this bill for our great Capital City in any way carry out that declaration of our joint committee as to what our legislation should accomplish touching the Capital of the Nation?

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. PAGE of North Carolina. Is there anything to prevent a majority of this House increasing it to any amount?

Mr. MONDELL. There is nothing to prevent the majority, but the gentleman will see to it that there is not a majority favorable to increases. He has, or believes he has, a majority on his side already bound against liberal appropriations, contrary to the recommendations of the joint committee, for which that side is largely responsible. First, the commissioners were influenced to make low estimates, and, second, you have reduced the estimates they have made by two and one-half million dollars.

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. FOSTER. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. JOHNSON] the remainder of my time, except one minute.

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, as a general proposition, I am not in favor of "riders" upon appropriation bills. However, I am very much in favor of this amendment, call it "rider," if you please, being placed on this appropriation bill in order to do away with the old half-and-half arrangement.

It has been insisted here by the gentleman from Kansas [Mr. CAMPBELL] and by my good friend from Massachusetts [Mr. TINKHAM] that this matter ought to come from the Committee on the District of Columbia. Those for whom they speak have not heretofore taken this position. During the last Congress when I prepared an amendment similar to this one and got it upon the District appropriation bill those who now proclaim the loudest against this measure going upon the appropriation bill said that the Committee on the District of Columbia was not qualified to determine the matter and that a special committee should be created to consider it.

At last they succeeded in getting the Senate to defeat my amendment which went on the District appropriation bill by which the half-and-half was abolished and themselves put a "rider" on the appropriation bill providing for a special joint committee. That special joint committee, which has gone into this subject, was created, I say, by a "rider" upon an appropriation bill, and it was put there by those who now decry this rider. At this time it is the report of that special committee which is placed upon this appropriation bill, and to that they object and call it a "rider" and unfair.

Every District appropriation bill for years has commenced with language similar to this: "That there is hereby appropriated one-half out of the revenues of the District of Columbia and one-half out of the Federal Treasury such sums as are herein appropriated."

Now, if this amendment is adopted that language will be changed in substance to this: "That hereafter the expenses of the District of Columbia shall be paid from its own revenues if



sufficient, and if not sufficient then the remainder shall be paid from the Federal Treasury."

What can be fairer? The gentleman from Wyoming [Mr. MONDELL] just spoke of the "miserable, meager amount" to be contributed by the United States. That "miserable, meager amount" that he speaks of, if I am correctly advised, amounts to \$3,500,000 in this bill.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MONDELL. The gentleman misunderstood me. The adjective that I used had reference not to the amount of the national contribution, but to the character of the appropriations made for the District in the bill.

Mr. JOHNSON of Kentucky. Under the present tax rate the District of Columbia is raising about \$8,000,000 annually. Regardless of whether or not it is necessary to spend double that amount, it is insisted by some that the United States Government shall still put up \$8,000,000 to carry out the half-and-half arrangement. That would make \$16,000,000; and even the Commissioners of the District of Columbia do not claim that \$16,000,000 are needed. Therefore, why should the United States put up \$8,000,000 when nobody claims that amount is needed.

Now, the gentleman from Kansas [Mr. CAMPELL] and the gentleman from Massachusetts [Mr. TINKHAM] both say that these matters ought to come from the District of Columbia Committee. Is it not a fact that those who represent the District—in other words, the Commissioners of the District of Columbia themselves—have gone before the Appropriations Committee and asked them to include in their appropriations several of the very items against which some of these gentlemen complain of being in this appropriation bill?

To resume, this amendment comes properly before the Appropriations Committee because the Appropriations Committee is endeavoring to carry out the findings of the special committee which was appointed in compliance with a rider on the District of Columbia appropriation bill in the last Congress.

The special joint committee was created by the friends of the half-and-half plan by means of a rider on the District appropriation bill, and they should not now object to the finding of that special committee being enacted into law through the same committee and upon the same bill which created the commission.

It is well for members to constantly bear in mind that no member of the special joint committee, either Senator or Representative, ever cast a vote against the half-and-half, and that it is their report which it is now proposed to put upon the appropriation bill for the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is—

Mr. MANN. No.

Mr. FOSTER. The understanding was that the matter should go over until to-morrow. I move that the House do now adjourn.

#### ADJOURNMENT.

The motion of Mr. FOSTER was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 23, 1916, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on reexamination of Buffalo Harbor, N. Y. (H. Doc. No. 1139); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Leonidas M. Jewett v. The United States (H. Doc. No. 1140); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of H. Walter Nichols v. The United States (H. Doc. No. 1141); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Posey Buckley v. The United States (H. Doc. No. 1142); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ebenezer Knight v. The United States (H. Doc. No. 1143); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edward G. Mathey v. The United States (H. Doc. No. 1144); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Theodore L. Minier v. The United States (H. Doc. No. 1145); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cary W. Moore v. The United States (H. Doc. No. 1146); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a list of cases referred to the court by the House of Representatives, which cases were dismissed by the court under section 5 of the act of March 4, 1915, commonly known as the Crawford amendment (H. Doc. No. 1147); to the Committee on War Claims and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting an estimate of deficiency in the appropriation for contingent expenses, Post Office Department, fiscal year ending June 30, 1916 (H. Doc. No. 1148); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting an estimate of appropriation for publication of the Official Postal Guide for the fiscal year ending June 30, 1917, being additional to the sum provided for by the legislative, executive, and judicial act for the same year (H. Doc. No. 1149); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting a communication from the Secretary of Commerce submitting a supplemental estimate of appropriation, "Salaries and wages of officers and crews of lighthouse vessels and lighthouse tenders, including temporary employment when necessary, for the fiscal year ending June 30, 1917 (H. Doc. No. 1150); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting urgent estimates of deficiencies required for the service of the War Department in consequence of recent operations upon the border and in Mexico (H. Doc. No. 1151); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriations covering urgently needed buildings and other construction in connection with the proposed ordnance depot in the Canal Zone (H. Doc. No. 1152); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DILL, from the Committee on the Public Lands, to which was referred the bill (S. 3928) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, reported the same without amendment, accompanied by a report (No. 739), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9619) granting a pension to Eliza J. St. Clair; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5521) granting a pension to James H. Buckner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills were introduced and severally referred as follows:

By Mr. BYRNES of South Carolina: A bill (H. R. 15871) authorizing the purchase of a site for a public building at Bamberg, S. C.; to the Committee on Public Buildings and Grounds.

By Mr. DOOLITTLE: A bill (H. R. 15872) to establish a Government bureau to loan money on agricultural lands as security; to the Committee on Banking and Currency.

By Mr. WISE: A bill (H. R. 15873) providing for a site and public building for a post office at Thomaston, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15874) providing for a site and public building for a post office at Jackson, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. KONOP: A bill (H. R. 15875) to incorporate the Kee-too-wah Band of Cherokee Indians in Oklahoma, otherwise known as the Night Hawks, into an industrial community for their mutual benefit and protection and the promotion of education, self-government, self-control, and industry among them, and for other purposes; to the Committee on Indian Affairs.

By Mr. KIESS of Pennsylvania: A bill (H. R. 15876) to enlarge and extend the post-office building at Williamsport, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. GLASS: A bill (H. R. 15877) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911; to the Committee on Banking and Currency.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. BURKE: A bill (H. R. 15878) granting an increase of pension to Catherine Assenmacher; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 15879) for the reinstatement of Commander James H. Reid in the United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 15880) granting a pension to Mary E. Sanborn; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 15881) for the relief of Lloyd D. Pocock; to the Committee on Military Affairs.

By Mr. DILL: A bill (H. R. 15882) granting an increase of pension to Mrs. Mary Eaton; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 15883) granting an increase of pension to George P. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15884) granting an increase of pension to Rowland Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15885) granting an increase of pension to Frank Niegenargend, alias Frantz Mier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15886) granting an increase of pension to Wilkerson E. Grubbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15887) granting an increase of pension to Jacob Stevens; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 15888) granting an increase of pension to Orrel Tucker; to the Committee on Pensions.

Also, a bill (H. R. 15889) granting an increase of pension to Lydia W. Nott; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 15890) granting an increase of pension to Louisa Mawhinney; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 15891) granting an increase of pension to John C. Young; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 15892) granting an increase of pension to Samuel E. Palmer; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 15893) granting a pension to Loue Thompson; to the Committee on Pensions.

Also, a bill (H. R. 15894) granting a pension to John F. Mulhall; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 15895) for the relief of the Royal Savings & Loan Co., of Portsmouth, Ohio; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 15896) to correct the military record of Jefferson Mullins; to the Committee on Military Affairs.

Also, a bill (H. R. 15897) to correct the military record of Benjamin F. States; to the Committee on Military Affairs.

By Mr. TAGUE: A bill (H. R. 15898) for the relief of Louis A. Berretta; to the Committee on Claims.

By Mr. MOSS of Indiana: A bill (H. R. 15899) granting an increase of pension to Lemon McGrew; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 15900) for the relief of John Hill; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 15901) granting an increase of pension to Leo V. Burchetts; to the Committee on Pensions.

Also, a bill (H. R. 15902) to remove the charge of desertion from the military record of Preston B. Stanfill; to the Committee on Military Affairs.

By Mr. QUIN: A bill (H. R. 15903) for the relief of the Bluff City Railway Co., a corporation domiciled and doing business at Natchez, in the State of Mississippi, by requiring the Chief of Engineers to cause an examination to be made into the facts attending a collision between a barge being towed by the tug *Marengo* on the Mississippi River and a wharf house belonging to said Bluff City Railway Co. and situated on the river in front of said city of Natchez, and, subject to the approval of the Secretary of War, to adjust and settle all claims for damages sustained by said Bluff City Railway Co. in a sum not to exceed \$5,000, and report same to Congress; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 15904) for the relief of Thomas A. Winn; to the Committee on the Public Lands.

Also, a bill (H. R. 15905) granting an increase of pension to Daniel Stevenson; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 15906) granting an increase of pension to Harvey Enyart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15907) granting an increase of pension to James E. Houghland; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 15908) for the relief of Ed. D. Steger and J. E. Labatt; to the Committee on War Claims.

By Mr. ROWLAND: A bill (H. R. 15909) granting an increase of pension to Theodore Sinzig; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 15910) granting a pension to George M. Woodard; to the Committee on Pensions.

By Mr. VINSON: A bill (H. R. 15911) granting a pension to Victor Lewis; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Elizabeth Decherd Woman's Missionary Society, of Mount Air Church, Curryville, Mo., against sale, etc., of liquors in Porto Rico; to the Committee on Insular Affairs.

By Mr. BAILEY: Petition of H. O. Snively, D. T. Ketring, A. D. Schmucker, F. R. Schmucker, H. R. Allender, R. H. Justice, W. W. Woods, W. M. Eicholtz, J. G. Metz, B. E. Marty, Rhule & Acker, H. H. Patterson, and Estep & Flaig, all of Williamsburg, Pa., in favor of a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. CAREW: Memorial of American Union against militarism in re military bill; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of Bakery and Confectionery Workers' International Union of America, favoring passage of workmen's compensation act in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Lora C. Little, of Portland, Oreg., and Adelaide Short, of Lowden, Wash., favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Papers to accompany House bill 14549, granting a pension to John I. Temple; to the Committee on Pensions.

Also, petition of J. O. Cary, Waco, Tex., favoring bill for Federal control of the National Guard; to the Committee on Military Affairs.

By Mr. DYER: Memorial of the National Committee for Mental Hygiene favoring House bill 721, for division of mental hygiene in the United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Missouri State Dairy Association, relative to dairy conditions in the State of Missouri; to the Committee on Agriculture.

By Mr. EAGAN: Memorial of Gadsden (Ala.) Chamber of Commerce, favoring Shields water-power bill; to the Committee on Rivers and Harbors.

Also, petition of the National Committee for Mental Hygiene, favoring House bill 721, for division of mental hygiene in



United States Public Health Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Memorial of Merchants' Association, of New York, favoring the maintenance and proper extension of pneumatic-tube service in connection with the transportation of mail; to the Committee on the Post Office and Post Roads.

Also, memorial of United Brotherhood of Carpenters and Joiners of America of the District Council of Greater New York, urging the prevention of the reduction of wages or depriving workmen of requisites, now employees in the Canal Zone; to the Committee on Insular Affairs.

Also, memorial of Common Council of Nome, Alaska, unreservedly commending the work of the Alaska Road Commission on the peninsula and earnestly urging the Government and the road commission to extend the road so begun with all possible dispatch; to the Committee on Insular Affairs.

Also, memorial of board of governors of India House (Inc.), urging Congress to appropriate sufficient funds to carry out such a program of preparedness, particularly with respect to the defense of our Atlantic, Gulf, and Pacific coasts; to the Committee on Military Affairs.

Also, memorial of men of the Bushwick Avenue Congregational Church, urging Congress to take immediate action that will result in carrying out the recommendations of the General Board of the Army and the General Board of the Navy in the program for adequate defense preparedness of the United States; to the Committee on Military Affairs.

Also, memorial of executive committee of the Society of Chagres, favoring Senate bill 3457 and House bill 8828; to the Committee on Appropriations.

Also, memorial of 11 citizens and others of New York, urging adequate military and naval preparedness of the United States; to the Committee on Military Affairs.

Also, memorial of Central Memorial Committee, Sons of Veterans, of Brooklyn and Long Island Division of New York, approving the adoption by the Congress and the constituted authorities of the United States of such a wise policy of preparedness as shall fully and adequately provide for the effective defense of our country; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of Central Council of Irish County Associations, relative to England's treatment of Irish prisoners; to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 15633 to pension Douglas D. Powell; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Memorial of Missouri State Dairy Association, relative to condition of dairies in State of Missouri; to the Committee on Agriculture.

Also, memorial of Medical Society of City Hospital Alumni, St. Louis, Mo., against resolution relative to physicians in Government connected with private health institutions; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Petition of sundry citizens of the State of Louisiana, favoring bills taxing mail-order houses; to the Committee on Ways and Means.

By Mr. MATTHEWS: Evidence supporting House bill 15791, granting a pension to Herman H. Jahn, alias Herman Martin; to the Committee on Pensions.

By Mr. OAKLEY (by request): Memorial of executive board of Woman's Suffrage Association of Connecticut, relative to two women commissioners for Federal censorship of motion pictures; to the Committee on Education.

By Mr. O'SHAUNESSY: Petitions of Christian Rudolph, jr., and Otto Rudolph, of Providence, R. I., in re shipment of hospital supplies by the Red Cross to the central powers; to the Committee on Foreign Affairs.

Also, petition of Louise P. Chance, of Providence, R. I., favoring the Gallinger amendment to the Agricultural appropriation bill; to the Committee on Agriculture.

Also, petition of Phobie L. Cargill, of Providence, R. I., in favor of Senate bill 4874; to the Committee on Education.

By Mr. PATTEN: Memorial of the Merchants' Association of New York, favoring Senate joint resolution 60 and opposing House bill 563 and similar bills; to the Committee on Interstate and Foreign Commerce.

By Mr. PRATT: Petition of Elmira (N. Y.) Local Union, No. 57, of Metal Polishers, Buffers, and Silver Platers, Brass Workers' Union of North America, A. J. Miller, president, and Charles Cordier, recording secretary, favoring inspection of dairy products; to the Committee on Agriculture.

Also, petition of Mrs. Mary E. Parsons, R. A. Parsons, and Samuel E. Blinn, all of Candor, N. Y., opposing the passage of

House bills 491 and 6468, to amend the postal laws, and House bill 13048, known as the juvenile-court bill; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of members of the Holy Name Society of the Church of Our Lady of Victory, Brooklyn, N. Y., favoring bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Plattsduetscher Volksfest-Verein, of New York, against war with Germany; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, against bills to prohibit the Taylor system in Government shops; to the Committee on Labor.

By Mr. SMITH of Michigan: Petition of M. E. Miller and 22 citizens of Diamondale and vicinity, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Minnesota: Memorial of Trades Assembly of Minneapolis and Hennepin County, Minn., against the Federal reserve bank; to the Committee on Banking and Currency.

By Mr. STINESS: Petition of Robert W. Adams, C. E., of Providence, R. I., favoring passage of the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Rhode Island State Branch of American Federation of Labor and Providence (R. I.) Building Trades Council, favoring House bill 8828, relative to wages, etc., of employees on Panama Canal; to the Committee on Appropriations.

Also, petition of Rhode Island Chiropractors' Society, favoring passage of bill regulating practice of chiropody in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: Petition of citizens of Boulder County, Colo., against Sunday observance bill in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Boulder County, Colo., against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. TINKHAM: Memorial of Central Council of Irish County Clubs of Massachusetts, denouncing Britain for brutal inhumanity; to the Committee on Foreign Affairs.

## SENATE.

TUESDAY, May 23, 1916.

(Legislative day of Thursday, May 18, 1916.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

The Vice President being absent, the President pro tempore took the chair.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Norris	Smith, Mich.
Bankhead	Hardwick	Oliver	Smoot
Brady	Hitchcock	Overman	Sutherland
Brandegee	Husting	Pace	Taggart
Burleigh	Johnson, S. Dak.	Penrose	Thomas
Catron	Kenyon	Pittman	Tillman
Chamberlain	La Follette	Pomerene	Townsend
Chilton	Lane	Ransdell	Vardaman
Clapp	Lea, Tenn.	Reed	Warren
Clarke, Ark.	Lee, Md.	Saunders	Williams
Cole	Martin, Va.	Shafroth	Works
Curtis	Martine, N. J.	Sheppard	
Dillingham	Myers	Sherman	
Fletcher	Nelson	Simmons	

Mr. CHILTON. I wish to announce for the day the absence of my colleague [Mr. Goff] on account of illness.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Fifty-four Senators have responded to their names. There is a quorum present.

Mr. SHEPPARD. Out of order I ask unanimous consent to report two bridge bills from the Committee on Commerce, and I direct the attention of the Senator from Mississippi [Mr. VARDAMAN] and the Senator from Georgia [Mr. HARDWICK] to the bills.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent to report two bridge bills. Is there objection?

Mr. GALLINGER. Mr. President, I do not object if I may be permitted to introduce a bill which is important.

Mr. CLARKE of Arkansas. I have not any objection to devoting some reasonable time this morning to current business